Exhibit P5
Special Interest

Comment(s)

Response(s)

SI1 | **Audubon Rockies et. al**

Audubon Rockies * Conservation Colorado * Southern Utah Wilderness Alliance
The Wilderness Society * Natural Resources Defense Council * Wild Utah Project
Western Resource Advocates * National Wildlife Federation * WildEarth Guardians

May 22, 2013

Delivered via electronic mail (GatewaySouth_WYMail@blm.gov) and U.S. mail (with attachments).

Tamara Gertsch
National Project Manager
Energy Gateway South Project
Bureau of Land Management
P.O. Box 21150
Cheyenne, WY 82003

Re: **Comments on Gateway South Transmission Draft Environmental Impact Statement**

Dear Ms. Gertsch:

These comments on the Draft Environmental Impact Statement (DEIS) for the proposed Gateway South transmission project (GWS) are submitted on behalf of the nine undersigned organizations.

Numerous projects across the western states are being pursued to address our nation's growing energy demands and the need to reduce greenhouse gas emissions from the electricity sector in the face of accelerating climate change. Some of these include large, multi-state transmission lines, such as Gateway South. We recognize the juggling act required – balancing energy supply considerations, reducing carbon emissions, keeping costs reasonable, remaining compliant with applicable federal laws (i.e. Bald and Golden Eagle Protection Act, Federal Land Policy and Management Act, etc.) and avoiding unnecessary impacts to wildlands and wildlife habitat. Our organizations have chosen to be engaged on this proposed project because of concern over serious impacts to landscapes and wildlife - both from climate change and the developments themselves - which are compounded by cumulative impacts. Balancing development with federal and state landscapes and wildlife policies is critical. Not doing so can undermine the economic values from the land that benefit human and ecosystem health, including clear water, clear air, and aesthetic qualities that cannot be replaced.

We continue to strongly advocate for utilization of the full mitigation hierarchy: avoidance, minimization, and compensatory off-site mitigation (in that order). There are opportunities along much of the route to follow existing transmission lines and roads, which we strongly support as a general practice. Unfortunately, even if GWS follows existing infrastructure, there will be significant impacts to numerous important resources and values along the 400-plus mile route. For this reason, it is critical that, if GWS is approved, it follows a route that has the lowest

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impacts, and that the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) include a robust on and off-site mitigation program detailing the mitigation obligations of the Bureau of Land Management (BLM), the Forest Service (FS), and the project proponent, PacifiCorp (doing business as Rocky Mountain Power).

Our comments address the following issues:

- Broad issues relating to transmission and energy development;
- The route with the lowest impact to environmental resources and values;
- Impacts of the various route alternatives;
- Route alternatives which would cause unacceptable impacts and should be eliminated from consideration;
- Weaknesses of the DEIS; and
- Recommended mitigation measures for the route alternatives

While our comments, where able, identify routes with the lowest impacts to environmental resources and values (which we strongly recommend that GWS follow if the project is approved), we are *not supporting* any routes at this time. We continue to strongly advocate for the following: (1) obtaining segment-specific information on impacts, (2) the completion and synthesis of sage-grouse recovery plans, (3) careful siting to avoid very local boundaries of wilderness-quality lands or sensitive habitats and other avoidance and minimization measures, and (4) written commitments to meaningful on and off-site mitigation in the ROD.

We look forward to working with the agencies and PacifiCorp to address the opportunities and challenges regarding the proposed GWS project.

Respectfully submitted by:

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I. Introduction & Context: Energy and Climate Issues are Inextricably Linked with the Health of Our Environment and Communities.

Our nation's addiction to fossil fuels, coupled with unprecedented impacts from climate change/disruption, threatens as never before the environment and the ecosystems that sustain life. On a daily basis, habitat, ecosystems, and wildlands are lost to various forms of energy development and related encroachment.

To sustain our environment and communities, the nation must transition away from fossil fuels as quickly as possible. To do this, we must eliminate energy waste; moderate demand through energy efficiency, conservation, and demand-side management practices; and rapidly develop clean, renewable energy technologies that are appropriately and sustainably sited and designed to avoid impacts to environmental resources.

In some cases, new transmission lines will be needed to carry remote renewable energy resources to population centers. However, renewable energy and associated transmission development are not appropriate everywhere on the landscape. Thorough review under the National Environmental Policy Act of 1969 (NEPA), including assessment of alternatives and examination of impacts, is an essential part of determining which of the many proposed projects should be permitted to go forward.

Long-term, environmentally responsible success of BLM 's renewable energy and transmission programs – and Interior's New Energy Frontier – depends on implementing policies and guidelines that direct projects to the most appropriate locations that avoid impacting conservation values and that subject them to the most appropriate design specifications and operational standards. This will limit environmental impacts and reduce obstacles to construction of the most appropriate projects. It will also have the additional critical benefit of enabling needed infrastructure investments to be made more rapidly and with less controversy and consumer cost.

We submit these comments in the hope that stakeholders can jointly do the following: 1) analyze the need for the project in light of renewable energy development opportunities proximate to load centers; and 2) identify a GWS route that avoids, minimizes and effectively mitigates impacts to the environment and communities traversed by the line. Principles underlying "Smart from the Start" dictate an assessment of the need for the project. A "Smart from the Start" approach to transmission planning and development incorporates:

- Thorough environmental reviews at the project- and landscape-level, including an assessment of cumulative impacts;
- Effective mitigation of unavoidable impacts on a site-specific and regional basis; and
- Early and ongoing input and coordination with all affected stakeholders.

The following principles aimed at reducing impacts and costs, speeding the transition to renewables, and ensuring robust public involvement should guide federal decision making on this and other transmission proposals:

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1. Strong local, state, national, and regional commitments to energy efficiency and demand response. By reducing demand and controlling when energy is consumed, we can free-up transmission capacity on existing lines. At the 2013 annual meeting in Park City Utah, the Western Governors Association unveiled a 10-Year Energy Vision, which lays out overarching goals for Western energy policy. This Vision represents a consensus from states with very different resources and policy stances. It contains six energy goals, including energy efficiency.
2. Local renewables and distributed generation**.** Local renewable energy generation increases self-sufficiency, reduces transmission needs, creates local jobs, and can help make the grid more resilient. Many large load centers are near appropriate sources of renewables, including the desert southwest. While local and distributed resources alone will not meet greenhouse gas reduction goals, they play a critical role in reducing emissions and limiting impacts by reducing the amount of utility-scale development needed.
3. Transmission planning. Transmission planning should address reduction of carbon emissions, and factor in such issues as increased use of electric cars, efficient grid operation and energy storage. Planning a modern grid should take account of the cumulative impacts and life-cycle greenhouse gas (GHG) emissions of all connected and complementary actions. Finally, transmission planning should take into account and utilize geospatial risk analysis to avoid environmental conflicts as is presently incorporated into analyses being performed by the Western Electricity Coordinating Council. BLM is a stakeholder in these processes and should be able to utilize methodologies, data and results included in and flowing from them.
4. Transmission efficiency. This means using existing corridors and lines more efficiently – removing bottlenecks, upgrading wires and connections, adding "smart grid" features that increase grid capacity and flexibility, and eliminating redundancy. Operational efficiencies such as Balancing Authority Area coordination should also be considered.
5. Right-sized growth**.** Transmission resources need to make the best use of existing corridors and new developments should be scalable so that fewer corridors will be needed in the future. An example of this would be constructing a tower to which an additional circuit could later be added, or to which a higher voltage rating could be obtained through reconductoring at a later time. Efficiently scaling transmission also reduces carbon emissions by reducing line losses.
6. Robust stakeholder engagement. The public and non-governmental organizations should have numerous formal opportunities for engagement in planning and permitting processes.

Transmission policy is no longer the exclusive province of utilities and regulatory commissions — conservationists and other interests are actively involved in the dialogue and policy process. Transmission must be carefully planned and sited to protect biological and cultural values while providing access to clean energy, enhance energy efficiency efforts, limit increased use of polluting and GHG emitting fossil fuels, and support electrification of our transportation systems. Transmission plays a central role as we work to improve the grid, make it smarter, and clean up its electricity supply.

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The American West is too precious and unique to sacrifice. It is home to significant sources of renewable energy, such as solar, wind, and geothermal power. The western states, their residents, and the nation will need these resources to repower America and to meet the challenge of global climate change. The West is also home to remarkable wildlands (including many lacking the protection they warrant), diverse wildlife, and irreplaceable cultural resources. Because of this, it is vital to find the best sites for new clean energy projects and transmission lines so we can harness renewable energy while protecting the biological and cultural resources that make the West unique.

II. Summary of Environmental Impacts and Key Recommended Off-Site Mitigation Measures

Summary of Environmental Impacts:

Conservation groups in each of the states through which GWS is proposed to traverse have endeavored, given the available data, to examine the routes to determine level of environmental impacts. All of the potential GWS routes would have significant impacts.[1] Our organizations note that the manner in which data is presented in the DEIS, mostly by entire Alternative routes rather than segments, made comparisons challenging (see Section VII for additional information). Our organizations strongly encourage this information be made available for all segments in the FEIS, to improve selection of a route with the least amount of resource impacts.[2] Given our current knowledge, if GWS is approved, it should follow these route segments. See Appendices A-C for state specific route information.

SI1a

Summary of recommended off-site mitigation measures:

See Section IV for the full description of the mitigation hierarchy (avoid, minimize, mitigate) and detailed recommendations, as well as route-specific sections. This sequence is noted in Appendix K of the DEIS.

- Identified mitigation actions on public lands must be durable, which is that protection and management of public lands must be effective for at least as long as the impacts;
- Protection of public lands through designation for conservation management, such as Areas of Critical Environmental Concern or management to protect Lands with Wilderness Characteristics with management plans for these areas that include comprehensive and measurable protections for the resources in question;
- Purchase and protection of private lands, either maintained in private ownership or transferred to federal ownership with a suitable designation for durable and protective conservation management.

SI1b

[1] A number of our groups proposed alternate routes as part of the GWS scoping process and TransWest Express (TWE) Draft EIS process. We encourage BLM and the Applicant to continue to consider these routes through the NEPA process.

SI1c

[2] Developing and providing this information for all segments, which could be accomplished through GIS analyses of data already compiled for the DEIS, would allow for better analysis of alternative route segments and help identify mitigation opportunities.

SI1d

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SI1a Section 2.5.1.3 and Figure 2-7 for the Final Environmental Impact Statement (EIS) presents the systematic and progressive analysis for screening and comparing local areas (Level 1 analysis) then subregional areas (Level 2 analysis) that was conducted to narrow the number of alternative routes and route variations and determine the most environmentally acceptable routes to be addressed in the EIS. That is, for each level, once the impacts along each of the areas (local/sublocal/regional) of alternative routes and route variations had been analyzed, the areas of alternative routes and route variations were screened and compared to identify which were most environmentally preferable and to eliminate from further consideration less preferable ones (in accordance with criteria at 40 Code of Federal Regulations [CFR] 1502.14). The Level 1 and 2 analysis results are recorded in the Energy Gateway South Transmission Project (Project) record. Routes considered and eliminated from detailed analysis through the Level 1 and Level 2 screening and analysis are described in Section 2.6.2 in the EIS. The Level 3 analysis involved combining the suitable segments of routes from the first two levels of screening to form complete routes. The Level 3 analysis is presented in the EIS. The commenter is referred to Tables S-1a through S-1d in the EIS that provide a detailed comparative analysis (Level 3) of the resources for each alternative route and route variation considered in detail in the EIS. The tables identify key resource inventories and associated impacts for each resource based on the analysis presented in Chapter 3. Further, the commenter is referred to the Map Volume (MV) (Volume II) that accompanies the EIS. The map volume contains 1 map showing construction access 6 levels that predict (1) the general type of access required for each mile of alternative route and (2) the associated disturbance, and 25 maps showing resource inventory and impacts. The inventory and impacts are reported by link. Finally, because of this systematic and progressive analysis, the Agency Preferred Alternative identified for the northern Project area (from Aeolus Substation, Wyoming, to near U.S. Highway 40 at the Colorado-Utah border) and southern Project Area (from the Colorado-Utah border to the Clover Substation, Utah) in the EIS does indeed reflect the agencies' preference for consideration by the agency decision-makers when selecting and approving a route.

SI1b In general, the need for additional public land to be designated for conservation management could be considered in future resource management plan (RMP) revisions, but is not appropriate for a project-level evaluation. No additional special management areas are proposed as part of this Project, and development of management plans for special designation areas is beyond the scope of this Project. Impacts on non-wilderness study area (WSA) lands with wilderness characteristics are disclosed in Sections 3.2.14 and 4.3.14 of the Draft EIS and Sections 3.2.16 and 4.3.16 of the Final EIS. Development of management plans for non-WSA lands with wilderness characteristics is beyond the scope of this project.

SI1c See next page for response to SI1c.

SI1d See response to Comment SI1a.

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SI1 **Audubon Rockies et. al (cont.)**

Response(s) - continued

SI1c The Bureau of Land Management (BLM) reviewed scoping comments to confirm that all alternative routes (and route variations) suggested during scoping were considered. A description of modifications to the preliminary alternative routes and route variations based on comments received from the public and agencies during the scoping process, including documentation of routes eliminated from detailed analysis, is summarized in the Energy Gateway South Transmission Project Siting Study Report (December 2012), which is incorporated into the EIS by reference. The report can be found on the BLM's Project website at: http://www.blm.gov/wy/st/en/info/NEPA/documents/hdd/gateway_south.html.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

III. BLM should provide information to the public on anticipated subscribers to GWS and how GWS will impact regional electricity generation and transmission.

SI1e BLM should include information on likely sources of power that might run on the line. Every effort should be made to place an emphasis on providing capacity for renewable energy sources. Generation and transmission of well-designed renewable energy solutions are needed for transitioning away from sources of energy that are altering our climate and threatening wildlands, wildlife, water, public and economic health, and our national security.

SI1f Since GWS was initially proposed, numerous coal retirements have been announced throughout the region[3]. These retirements will create transmission capacity on existing lines. We encourage the Agencies to analyze the impact which projected coal retirements throughout the region will have on transmission needs.

SI1g In this rapidly-changing energy market, exact assessments about the clean energy merits of a proposed transmission project are not possible. However, the DEIS could do much more to incorporate readily available information to create a credible picture of the demand for renewable energy resources, how available transmission capacity constrains their development, and the degree to which GWS could be a viable solution to this issue in the context of region-specific infrastructure policy and market factors.

SI1h SI1i ***Recommendation:*** PacifiCorp and the Agencies should provide continuous, transparent updates on potential subscribers to the line and explicit statements of generation intent for the line in a manner that does not violate the FERC open access rules. The FEIS should provide greater information on regional energy planning and policy, coal retirements in the region, and the ways in which GWS might complement these policies.

IV. FEIS Should Properly Identify Breadth of Impacts *and* GWS Should be Designed to Avoid, Minimize, and Effectively Mitigate Impacts.

SI1j With the TransWest Express Draft EIS, Northwest Colorado Greater Sage-Grouse Resource Management Plan and Gateway South Draft EIS all occurring concurrently, BLM must recognize the connected and cumulative effects that these projects have upon one another and have that reflected in the analysis in the Final EIS's of these plans. This information is critical to development of an appropriate suite of mitigation efforts.

[3] Since 2005, actual and announced coal retirements in Wyoming, Colorado, Utah, Nevada and California include:

- California: ACE Cogen (108 MW), Mt Poso Cogen (62 MW), Port of Stockton (54 MW), Stockton Cogen (60 MW)
- Colorado: Arapahoe Boilers 3&4 (158 MW), Cameo Boilers 1&2 (75 MW), Cherokee (802 MW), Trinidad (4 MW), Valmont Boiler 5 (192 MW), WN Clark Boilers 1&2 (44 MW);
- Nevada: Reid Gardner (553 MW), NV: Mohave (1,636 MW); North Valmy (522 MW), TS Power Plant (227.5 MW);
- Utah: Carbon (189 MW), Kennecott (100 MW), IPP - convert to gas (1800 MW);
- Wyoming: Naughton Boiler 3 (326 MW), Neil Simpson Boiler 5 (22 MW), Osage Boilers 1-3 (36 MW)

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SI1e It is not BLM's role or responsibility to verify PacifiCorp's (doing business as Rocky Mountain Power, Applicant) interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by PacifiCorp is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond the application for right-of-way across lands it administers. Regarding the scope of analysis presented in the EIS, it is beyond the scope of existing science to relate a specific source of greenhouse gas emission (GHG) with the creation (or mitigation) of any specific climate-related environmental effects. Further, since the specific effects of a particular action, which may contribute to or mitigate against climate change, cannot be determined, it is also not possible to determine whether any of these particular actions will lead to significant climate-related environmental effects. Finally, there are still not regulatory standards for climate change. Thus, the BLM believes the analysis in the EIS represents the best available science as required by the Council on Environmental Quality (CEQ) guidelines.

SI1f See response to SI1e.

SI1g See response to SI1e. The BLM understands the Applicant considered a range of technologies and considers the project description to reflect the best available technologies. Undergrounding the transmission line was considered and eliminated, as explained in Section 2.6.1.4 of the Final EIS.

SI1h See response to SI1e.

SI1i See response to SI1e.

SI1j The TransWest Express Project and the federal sage-grouse management are considered in the analsyis of potential cumulative effects (refer to Chapter 5). The projects are not connected actions as defined by CEQ (40 CFR § 1508.25)

The proposed BLM RMP and USFS land and resource management plan (LRMP) sage-grouse amendments and the EIS incorporate the same mitigation hierarchy objectives of avoiding, minimizing, and mitigating for impacts on sage-grouse as required by BLM's regional mitigation strategy (Draft - Regional Mitigation Manual Section – 1794) and use the best available information. If an action alternative is selected, the BLM's decision on the Project would comply with all relevant sage-grouse stipulations in applicable BLM RMPs at the time the decision is issued.

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SI1 **Audubon Rockies et. al (cont.)**

SI1k

The Final EIS should include a detailed discussion of the potential direct and indirect impacts of construction, operation, and maintenance of this project (including estimated quantification by routes):

- Direct loss (i.e. due to collision with motor vehicles during construction, electrocution, collision with guy wires, etc)
- Habitat loss,
- Habitat degradation (invasive species etc) and fragmentation (roads and ROWs, etc)
- Displacement of individuals
- Barrier effected
- Population loss and reduced breeding success
- Exposure to noise and human activity,
- Increased predation risk (i.e. creation of mammalian predator travel lands, increased nest parasitism, etc.)

SI1k

Comment noted. The text has been edited for clarity. Sections 3.2.7.4.3 and 3.2.8.4.3 identify and evaluate the types of potential effects on wildlife and special status wildlife that may occur as a result of construction, operation, and maintenance of the Project. The types of effects identified in this comment are addressed in these sections. Quantification of effects by alternative route and route variation are presented in Sections 3.2.7.5 and 3.2.8.5. However, as identified in these sections, limited availability of data precludes the ability to quantify many types of effects or effects on some species analyzed.

The Agencies and PacifiCorp must be committed to, and budgeted for the suite of mitigation efforts. These efforts must include all the steps in the mitigation hierarchy, including avoiding impacts wherever possible, minimizing unavoidable impacts through the use of best management practices on-site, and off-setting remaining impacts through off-site, compensatory mitigation.

SI1l

The FEIS must include a mitigation program that fully addresses impacts to wildlife habitat, Lands with Wilderness Characteristics, and other resources and values.

SI1l

Comment noted.

In October 2013, Interior Secretary Sally Jewell issued *Order No. 3330* to establish a Department-wide mitigation strategy that focuses on mitigation opportunities at the landscape level. It is intended to encourage early integration of mitigation measures in project design and planning, a landscape-scale approach to conservation, transparency and consistency of mitigation measures, and recognition of the effects of climate change on the environment. Order No. 3330 is aimed at increasing permit efficiencies and financial predictability for developers while improving state and federal regulatory agencies' ability to plan for long term and large-scale conservation investments. BLM should follow *Secretarial Order 3330 (Improving Mitigation Policies and Practices of the Department of the Interior)* and the recent report from DOI's Energy and Climate Change Task Force *(A Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior)* and employ landscape-level mitigation to mitigate the detrimental effects the transmission line will have upon wildlife and lands with wilderness character. The best way this can be achieved is through the designation of lands, for example, Areas of Critical Environmental Concern (ACEC) could be designed to mitigate impacts to Greater sage-grouse and Special Recreation Management Areas (SRMA) with backcountry emphasis for impacts to lands with wilderness character units. This landscape-level mitigation and all compensatory mitigation should be identified prior to project approval.

SI1m

SI1m

As explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation), developed in coordination with cooperating agencies for the selected route.

While avoidance and minimization are critical first and second steps in the hierarchy, off-site, compensatory mitigation for unavoidable impacts is also necessary. Unfortunately, the DEIS is wholly inadequate in terms of off-site mitigation. In fact, as far as we can tell, the DEIS does not commit to or analyze any specific off-site mitigation for GWS but simply lists examples in Appendix K. Appendix K states that "when applying mitigation at any level of the mitigation

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SI1n

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SI1 **Audubon Rockies et. al (cont.)**

Response(s) - continued

SI1n

See comment response to SI1m.

As described in Section 2.5.1.2 of the EIS, after initial impacts were identified for each resource, measures to mitigate impacts for environmental protection (refer to Table 2-13) were applied to avoid, reduce, or minimize moderate or high impacts. This information is recorded for every alternative route and route variation considered in the EIS. Once an alternative route or route variation is selected, the Applicant would coordinate with the BLM and other land-management agencies or landowners, as appropriate, to refine the implementation of mitigation at specific locations or areas. For example, if a road closure was recommended, the Applicant would work with the applicable land-management agency or landowner to determine the specific method of road closure most appropriate for the site or area (e.g., barricading with a locking gate, obstructing access on the road using an earthen berm or boulders, revegetating the roadbed, or obliterating the road and returning it to its natural contour and vegetation). This detailed mitigation would be incorporated into the Plan of Development (POD) prior to Project construction. In other words, the selective mitigation measures applied during impact analysis and mitigation planning will be carried forward from the EIS and refined by resource surveys conducted for the selected route. Where substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation) and developed in coordination with cooperating agencies for the selected route.

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SI1 **Audubon Rockies et. al (cont.)**

SI1o hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project." Clarification is needed as to whom would monitor this and how it would be determined. This information should be publically available.

SI1p *The lack of details regarding off-site mitigation in the DEIS make it impossible to fully and fairly evaluate the impacts of the proposed GWS project.* It is unacceptable to wait until after the ROD is signed to identify and require specific off-site mitigation measures. Conservation opportunities across ownerships at landscape level scale should be pursued as mitigation where possible. We need to preserve the ability of species and habitats to adapt to a changing climate. Climate impacts are occurring now and have measurable impacts on the landscape. Consequently larger scale conservation efforts provide a useful hedge against expected impacts the extent to which cannot be precisely forecast today. Such approaches to mitigation are being employed in the State of California in the BLM and DOE California Desert Renewable Energy Conservation Plan (DRECP). They should be considered here as well.

SI1q

SI1r In accordance with BLM policy, the following factors indicate that off-site mitigation is appropriate for this project:

- GWS is a major electrical right-of-way project, one of the types of large development projects for which offsite mitigation (at the scale necessary) may be appropriate;
- GWS is likely to affect resources and values of high public importance; and
- GWS may have permanent impacts that cannot be mitigated onsite.

BLM has recently published a Draft Regional Mitigation Manual which includes requirements and guidance on off-site mitigation.[4] President Obama also recently issued a Presidential Memorandum on improving siting, permitting and mitigation for transmission development.[5] Both of these documents offer valuable tools for continuing to improve the conservation outcomes for mitigation for project impacts, and should be used to improve mitigation for GWS in the FEIS.

SI1s There are numerous resources with additional information on best practices for mitigation for transmission line planning and development. These include, but are not limited to the following:

- The Avian Power Line Interaction Committee's updated guidance document – "Reducing Avian Collisions with Power Lines: State of the Art in 2012" *available at:* http://www.aplic.org/ .;
- Edison Electric Institute's "Mitigating Bird Collisions with Power Lines" *available at:* http://www2.eei.org/products_and_services/descriptions_and_access/mitigating_birds.htm

[4] *Available at:* http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2013.Par.57631.File.dat/IM2013-142_att1.pdf

[5] *Available at:* http://www.whitehouse.gov/the-press-office/2013/06/07/presidential-memorandum-transforming-our-nations-electric-grid-through-i

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SI1o When applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation, to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

SI1p See response to Comment SI1n.

SI1q The BLM believes the intent of the mitigation presented in the California Desert Renewable Energy Plan is inherent in the design features and/or mitigation measures established for the Project.

SI1r See response to Comment SI1n.

SI1s The BLM understands the Applicant has worked with the U.S. Fish and Wildlife Service (FWS), Avian Power Line Interaction Committee (APLIC), and other agencies to develop an Avian Protection Plan (APP) for their facilities and distribution and transmission lines in their service territory. The APP and APLIC guidelines for protection and collisions are referenced at a high-level in the EIS. Project-specific standards, methods, and measures (including avian-specific mitigation) will be described in the POD to be developed in coordination with cooperating agencies.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1s

- Western Resource Advocates' "Smart Lines" report, *available at:* http://www.westernresourceadvocates.org/energy/smartlines.php; and
- Wild Utah Project's "Best Management Practices for Siting, Developing, Operating and Monitoring Renewable Energy in the Intermountain West" *available at:* http://wildutahproject.org/files/images/BMP%20for%20Renewable%20Energy-2012-WUP.pdf

a. Avoiding Impacts

Planning: One of the first and most important steps to avoid as many impacts as possible to sensitive resources is to plan potential transmission corridors so that they are developed within existing corridors, ROWs, brownfields and other degraded lands, and other areas with co-locating opportunities.

SI1t

Equally important is planning to avoid lands within the categories listed below that are either statutorily protected from development such as transmission and those that should otherwise be avoided:

1. National Park Service designated lands;
2. National Wildlife Refuges;
3. National Monuments;
4. Wilderness Areas;
5. Wilderness Study Areas (WSAs);
6. National Conservation Areas;
7. Other lands within BLM's National Landscape Conservation System (NLCS), such as Outstanding Natural Areas;
8. National Historic and National Scenic Trails;
9. National Wild, Scenic, and Recreational Rivers, study rivers and segments, and eligible rivers and segments;
10. Riparian areas, wetlands, and significant washes;
11. Threatened, endangered, candidate and sensitive species habitat, as well as critical core and linkage areas for wildlife habitat;
12. Lands with known occurrences of threatened, endangered, candidate and sensitive species
13. Lands previously acquired or preserved for conservation purposes;
14. Areas of Critical Environmental Concern (ACECs);
15. Special Recreation Management Areas (SMRAs) (depending on the extent to which the impacts of a line could compromise the resources that the SRMA was designated to protect);
16. Citizen-proposed wilderness areas;
17. Other lands with wilderness characteristics (LWC), including but not limited to BLM-identified lands with wilderness characteristics managed to protect those resources and BLM-identified lands with wilderness characteristics not managed to protect those resources;
18. Traditional Cultural Properties;
19. Sacred sites; and

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Response(s)

SI1t

During their review of the alternative routes and route variations, the BLM and U.S. Forest Service (USFS) have endeavored to avoid resources with statutory protections to the extent possible. All resources and resource categories listed by the commenter are analyzed in the Final EIS.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1t

20. Important Bird Areas (IBAs)
21. Lands that have been identified as having biological, cultural, and/or historical significance through federal, state and local planning efforts
22. Other lands protecting wildlife with a conservation easement funded in part by a state agency (including Colorado Parks and Wildlife)

SI1u

Most of the categories of protected areas are well-known, the importance of their protection supported by most environmental and other stakeholders, and their locations are included in a number of available geospatial data sets, which makes it easier to plan for avoidance of these important lands. Western Electricity Coordinating Council's Environmental Data Task Force has tasked with investigating and developing recommendations for methodologies to incorporate environmental and cultural data into the transmission planning process for the Western Interconnection. As a result, EDTF has developed a *Recommendations Report*[6] and a *Geospatial Data Viewer*[7]. These and other EDTF products are available for public use, facilitate knowledge transfer within planning organizations, and are in use within WECC and outside of WECC by industry, regulators, and other stakeholders.

SI1v

Important wildlife movement corridors, landscape connections, and crucial wildlife habitats within those landscapes are threatened by many types of development throughout the West. These corridors and connections are crucial to the current and long-term viability of game and nongame wildlife, especially as they provide adaptation options in the face of a changing climate. The Western Governors' Association (WGA) established its policy to protect wildlife migration corridors and crucial wildlife habitat in the West. As a result, the Crucial Habitat Assessment Tools[8] has been launched, including state CHATs which display crucial wildlife and corridor information across the region. Depending on the wildlife and landscape, transmission can contribute to loss, fragmentation, and diminished resiliency of these habitats. Consequently, planning and siting to avoid or minimize impacts to the wildlife corridors and landscape connections is very important.

Siting: Avoiding sensitive resources can also be achieved during the siting of actual transmission ROWs within the proposed corridors. Although many of the specific comments below are based on the two-mile analysis corridor, we are aware that the actual ROW corridor will be narrower (likely 250' in most places) if the application is approved. This approach to avoidance will be particularly important when transmission line ROWs are planned near sensitive habitats for species of concern including the following:

- endemics with restricted distributions such as the **Burrowing Owl**
- migratory birds protected under the Migratory Bird Treaty Act with unique critical habitat requirements, including **Mountain Plover**

[6] http://www.wecc.biz/committees/BOD/TEPPC/SPSG/EDTF/Shared%20Documents/Report%20to%20SPSG/Environmental%20Recommendations%20for%20Transmission%20Planning%20-%20Synopsis%20Revised%2005-27-2011.pdf This information has not previously been available in a single location and represents a significant step towards understanding potential environmental and cultural aspects of planning transmission in the Western Interconnection.

[7] http://184.169.179.203/flexviewers/WECC2/

[8] http://westgovchat.org/

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Response(s)

SI1u

Comment noted. The BLM understands the Western Electricity Coordinating Council (WECC) resources referenced are intended for use in transmission planning efforts rather than project-specific analyses.

SI1v

While state CHATs provide important tools for general planning purposes, the Draft EIS used an in-depth, systematic analysis that included assessing the impacts of each alternative route and route variation on wildlife, including migration corridors and crucial habitats, and how the impacts could be mitigated most effectively (refer to Chapter 3, Sections 3.2.7 and 3.2.8). Data depicting wildlife migration corridors and crucial habitats was collected and used in the EIS analysis from state wildlife agencies in each of the three states crossed.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

- Endangered Species Act (ESA)-listed or candidate species such as **Greater Sage-Grouse and Desert Tortoise**, for which preserving high-quality reintroduction habitat is essential;
- relatively widely distributed but uncommon species of conservation concern whose habitat coincides with areas likely to be developed, such as raptors including **Golden Eagle** protected by the Bald and Golden Eagle Protection Act (BGEPA) and **Ferruginous Hawks**; and
- wide ranging, relatively common species sensitive to habitat fragmentation and disturbance, such as **American pronghorn**, **mountain lion**, **black bear**, **mule deer,** and **elk.**

SI1w Avoiding impacts during siting will require a great deal of geospatial data on the locations of the protected and sensitive lands and species. The quality and availability of these data will vary considerably across the extent of the proposed GWS project. Some regional and state-based data sets will assist with this fine-scaled siting work but many of those are mostly focused on public lands or are incomplete. The absence of data from private or tribal lands does not necessarily indicate the absence of sensitive resources. Consequently, actual on-the-ground surveys consistent with guidelines provided by the US Fish and Wildlife Service (USFWS) or state wildlife agencies should be required before ROWs are finalized and construction begins.

Recommendations: GWS should avoid any of the lands included under the categories listed above. The most accurate, up-to-date geospatial and wildlife data and the most current scientific and other formal guidance must be used to avoid impacting sensitive resources during establishment of the ROW and during actual construction. In addition, we recommend that the Agencies follow the state-by-state guidance below to avoid or minimize additional impacts.

b. Minimizing Impacts

We recognize that it is unlikely that all impacts can be avoided by planning and during development of GWS. However, the rigorous use of environmentally driven Best Management Practices (BMPs) can minimize the habitat and direct wildlife impacts.

SI1x **Construction BMPs.** Construction BMPs will be particularly important if the line is developed. The major issues that should be addressed include management of sensitive wildlife, land and water resources; complying with environmental laws, including storm water pollution prevention; controlling erosion and sediments; and assuring compliance with reclamation standards. For sensitive resources, it is important to conduct preconstruction surveys of ROWs, substations, office sites, and storage yards for biological, cultural, and paleontological resources. The Agencies should require and approve species-specific and site-specific construction plans to avoid, minimize and effectively mitigate impacts to sensitive resources.

The Agencies should require minimal construction of access roads and ROWs to reduce disturbance, establish speed limits on access roads, require stringent control of invasive species, and require equipment washing before entry into sensitive areas. Spill response and fire prevention materials should be located with crews during construction. Finally, erosion and

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Response(s)

SI1w Datasets used for siting of the Project were coordinated with cooperating agencies involved with the Project and are updated at key milestones throughout the development of the EIS. On-the-ground surveys will occur prior to construction. The results of the surveys will be incorporated into the POD and any additional adjustments required after the results of the survey would occur, and any necessary variances would also be coordinated with the agencies.

SI1x See response to Comment SI1n.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1x sediment control devices should be installed and maintained during construction, and then removed when no longer necessary.

SI1y We encourage inclusion of the construction BMPs that the Agencies and TransWest have committed to in Appendix C of the TWE DEIS. Additional recommended BMPs for GWS include:

- Requiring a tower design that minimizes and discourages perching and nesting by raptors and ravens;
- Patrol and monitoring to detect raven nests and steps to remove them;
- The project site will be clearly marked or flagged at the outer boundaries prior to initiation of ground disturbance. Project activities shall be limited to the marked or flagged areas and whenever possible, activities shall occur within previously disturbed areas;
- The proponent shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Where possible and if needed, topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate re-growth of vegetation;
- Noxious weeds will be controlled on disturbed areas within the limits of the right-of-way;
- Minimizing the construction of new access roads;
- Taking appropriate steps to prohibit and discourage recreational use of them, including official BLM closures, signing and patrols.
- A 15 mph speed limit shall be required for all project vehicles on the project site and unposted access roads;
- No cross-county travel or travel outside the ROW would be permitted;
- All project-related trash and food items shall be disposed properly in predator-proof containers with resealing lids. Trash, stakes, flagging materials, temporary facilities, litter, and all other project-related materials shall be removed from site upon completion of project activities.

SI1z Because of concerns to avian species, the following mitigation measures should be required:

- All power lines shall be designed, installed, and constructed to be avian-safe in accordance with the standards outlined in "Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006" (APLIC 2006);
- The Avian Power Line Interaction Committee's updated guidance document should be used – "Reducing Avian Collisions with Power Lines: State of the Art in 2012"
- All ground-disturbing activities will be conducted outside the migratory bird nesting season (March 15 August 31). If ground-disturbing activities cannot be avoided during this time— period, pre-construction nest surveys shall be conducted by a BLM-approved biological monitor with the following guidelines:
  - For all non-raptor bird species, surveys shall cover all potential nesting habitat in and within 100 feet of the area to be disturbed;
  - Surveys must be conducted between sunrise and 3 hours post-sunrise when birds are most active;
  - Active bird nests will not be moved during the breeding season unless the holder is expressly permitted to do so by the USFWS, BLM, and NDOW;

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SI1y The BLM believes the intent of the best management practices identified in the EIS prepared for the TransWest Express transmission project and the additional best management practices suggested are inherent in the design features of the Proposed Action for environmental protection (Table 2-8) and/or selective mitigation measures (Table 2-13) established for this Project.

SI1z The BLM continues to work closely with the FWS and the Applicant to develop avoidance and minimization measures to reduce effects on avian species based on industry best practices. Design features of the Proposed Action for environmental protection and site-specific selective mitigation measures would be used under all alternative routes and route variations in the Draft EIS to reduce effects of the Project on avian species. For the Final EIS, the BLM has revised and expanded the analysis of effects on migratory birds. This revised analysis is located in Section 3.2.9 of the Final EIS. Applicable minimization measures are listed in Section 3.2.9, Mitigation Planning and Effectiveness, and include measures intended to achieve similar results to those proposed. Examples include Design Feature 4 (avian-safe design standards), Design Feature 6 (seasonal restrictions for nesting migratory birds), and Design Feature 7 (breeding bird and nest surveys).

The use of perch deterrents to limit predation on species status species is not promoted by the BLM or FWS as the primary means of mitigation due to evidence suggesting limited effectiveness in many cases and the potential for increased risk of electrocution risk for avian species. Rather, increased predation resulting from transmission towers will be minimized by colocating the line with existing transmission lines to the extent feasible, which will reduce the proliferation of perch sites in new areas across the landscape. Also, the Applicant is not proposing any guyed transmission structures.

Comment(s)

Response(s)

SI1 — **Audubon Rockies et. al (cont.)**

SI1z

- All active nests and disturbance or harm to active nests will be reported within 24 hours to the USFWS, the BLM, and NDOW upon detection. The biological monitor will halt work if it is determined that active nests are being disturbed by construction activities, until further direction or approval to work is obtained from the appropriate agencies.
- In areas where increased predation risk may adversely affect a federally listed species, the applicant should utilize tubular steel towers with perch deterrents to limit perching opportunities for raptors.
- Use transmission structures that do not include guy wires, particularly in areas where guy wires may pose an additional collision risk to low-flying birds. Where unavoidable, bird diverters will be placed on guy wires in important bird habitat.

SI1aa

Use of technology to minimize impacts. Transmission technology continues to improve, as do examples of successful implementation of new techniques to minimize impacts. These include but are not limited to: upgrading the voltage rating of existing lines within an already established corridor, reconstructing lines in already established corridors, locating new transmission in already established corridor and where necessary undergrounding lines. Advanced tower designs, using double circuits on compact monopoles and performing tower installation and maintenance with helicopters are commonly utilized practices that reduce surface soil impacts in sensitive habitats. Though these advanced approaches may increase technical and economic challenges for projects, they will only become more important to consider as transmission is called on to "thread the needle" between protected and sensitive landscapes and urban communities. We recommend that the Agencies fully analyze opportunities to employ these technologies in the FEIS.

Specifically, consideration should be given to using underground transmission cable where feasible. This option may be important in addressing public perception concerns (i.e. public health, property value, congestion concerns, aesthetics, etc.) around human population centers, thus potentially providing a greater range of alternatives in surrounding landscapes. Aerial lines are exposed to fire and smoke, ice and snow, wind and other natural disasters and overhead cables can be easily accessed for sabotage. Underground infrastructure is far less vulnerable to some risks and, thus, may be considered more reliable in certain applications.

SI1ab

Existing special designations described in federal land management land use plans to protect biological, scenic, visual, cultural, and historic resources must be maintained and honored. For example, for any sections of the proposed line crossing particularly sensitive areas, the Agencies should analyze both re-routing to avoid those areas and burying the lines in or near existing ROWs to lessen the impacts. We appreciate that line burial is an expensive option, but use of this technique in Europe and Australia, both terrestrial and subsea, suggests that it could be an option to mitigate impacts to sensitive resources when rerouting may not be feasible. Some technologies (i.e. cross-linked polyethylene cables, superconductors, elpipes, etc.) are mechanically robust options for burial. While distances are generally short, advances are being made. In Connecticut, the Middletown-Norwalk project broke ground in 2006 and buried 345-kV over 26 miles.

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SI1aa The BLM understands the Applicant considered a range of technologies and considers the project description to reflect the best available technologies. Undergrounding the transmission line was considered and eliminated, as explained in Section 2.6.1.4 of the Final EIS. Multiple alternative routes and route variations that avoid this area were considered and no additional route variations are warranted.

SI1ab See response to Comment SI1aa.

Comment(s)

Response(s)

SI1 — **Audubon Rockies et. al (cont.)**

SI1ac ***Recommendation***: The Agencies should fully analyze opportunities to employ new transmission technologies, outlined above, in the FEIS.

c. Mitigating impacts through off-site, compensatory mitigation

SI1ad Mitigation is an important requirement of NEPA. In fact, in Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 352 (1989) the court stated that: "*Omission of a reasonably complete discussion of possible mitigation measures*" undermines NEPA and the ability to assess the severity of environmental impacts. Following BLM's Special Status Species Policy and its ESA Section 7(a)(1) affirmative obligations to conserve and recover listed species, as well as the BLM's requirements to manage for the full range of resources and values on public lands, the FEIS should detail how specific impacts from GWS will be mitigated through required, specific off-site mitigation actions. It is unacceptable to defer identification of and commitment to specific off-site mitigation measures until after the FEIS is published. Without this information, the public cannot fully and fairly analyze the impacts of the proposed GWS project.

SI1ae Before a rigorous discussion of mitigation can take place, however, the complete extent of the potential impacts must be carefully assessed. This assessment must include for each endangered and threatened species – and should include for all candidate species – science-based estimates of the direct, indirect, and cumulative impacts throughout the length of the proposed line, and how the cumulative impact of the entire line adds to the other ongoing and reasonably foreseeable impacts throughout the ranges of the targeted species.

SI1af Ecosystem-level planning and strategies should be employed in addition to species-specific analyses. An assessment tool or evaluation strategy approved by USFWS should be used to quantify the interim and permanent impacts (injury) to habitats (direct, indirect, and cumulative as outlined above) and the ecological services provided by those habitats. This will enable a more accurate and predictive approach to mitigating impacts across the entire line.

SI1ag The Agencies should implement a "no net loss" or a "net gain" requirement for resources and values, with the goal of achieving a "net conservation benefit" for special status resources and species, including BLM Special Status Species. The Agencies should ensure that any loss of resources or values associated with the GWS project is compensated with the addition and protection of equivalent or better resources and values offsite. The Agencies should ensure a net benefit of in-kind habitat value. If Lands with Wilderness Characteristics are damaged by GWS, amendments should be made to the Resource Management Plan for the region to protect other, equally valuable Lands with Wilderness Characteristics near the area of impact. Additions of lands and resources should equal or exceed the value of any resources or values which are lost. The Agencies should also make a determination about the value of the habitat to be impacted and establish mitigation requirements for the specific habitat types impacted.

SI1ah

SI1ai Additions could be gained through some combination of three primary mechanisms:

- The BLM must designate and manage public lands to ensure that any mitigation on those lands is protected to provide enduring conservation benefits. To help achieve more enduring protections, the BLM must layer existing authorities available to the agency including designation of lands as *Areas of Critical Environmental Concern* or protective

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SI1ac Comment noted. See response to SI1aa.

SI1ad See next page for response to SI1ad

SI1ae Potential direct, indirect, and cumulative impacts on endangered, threatened, and candidate species for each alternative route and route variation were analyzed based on the best available information in the EIS. The results of the direct and indirect effects analyses are presented in the following Sections: 3.2.6 Special Status Plants, 3.2.8 Special Status Wildlife, and 3.2.10 Fish and Aquatic Resources. Cumulative impact assessments are presented in Sections 4.3.6 Special Status Plants, 4.3.8 Special Status Wildlife, and 4.3.10 Fish and Aquatic Resources. The analysis of cumulative effects, including identification of analysis areas for effects on federally listed and candidate species, reflects CEQ guidelines for implementing National Environmental Policy Act (NEPA), and BLM NEPA regulations and guidance.

SI1af Thank you for your suggestion. The BLM believes that the level of analysis included in the EIS is adequate for the scope of the Project. Please note that wildlife impacts are analyzed and discussed at the habitat-level. Also, the cumulative impact analysis assesses different resources at different geographical (and temporal) extents, based on what deemed appropriate for the resource. The methodology for all biological resources was developed and approved in coordination with the cooperating agencies assisting the BLM in preparation of the EIS, including the FWS.

SI1ag As a multiple-use agency, BLM does not require projects to achieve a net conservation benefit. However, loss of resources or values does require mitigation. In general, the need for additional public land to be designated for conservation management could be considered in future RMP revisions, but is not appropriate for a project-level evaluation. No additional special management areas are proposed as part of this Project, and as such, development of management plans for special designation areas is beyond the scope of this project.

SI1ah See next page for response to SI1ah

SI1ai See response to Comment SI1a.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

Response(s) - continued

SI1ad

The BLM is actively engaged with the Applicant and other relevant agencies to develop appropriate compensatory mitigation for resources for which land use plan goals and objectives or regulatory thresholds could not be met with onsite avoidance, minimization, and selective mitigation measures. The BLM has provided information regarding possible measures that could be used to compensate for the effects of the project on these resources. These measures are described in Appendix K (Sage-grouse Compliance), Appendix E (BLM Mitigation Guidance), and Section 3.2.9 (migratory birds) of the Final EIS.

As explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation).

As described in Section 2.5.1.2 of the EIS, after initial impacts were identified for each resource, measures to mitigate impacts for environmental protection (refer to Table 2-13) were applied to avoid, reduce, or minimize moderate or high impacts. This information is recorded for every alternative route and route variation considered in the EIS. Once an alternative route or route variation is selected, the Applicant would coordinate with the BLM and other land-management agencies or landowners, as appropriate, to refine the implementation of mitigation at specific locations or areas. For example, if a road closure was recommended, the Applicant would work with the applicable land-management agency or landowner to determine the specific method of road closure most appropriate for the site or area (e.g., barricading with a locking gate, obstructing access on the road using an earthen berm or boulders, revegetating the roadbed, or obliterating the road and returning it to its natural contour and vegetation). This detailed mitigation would be incorporated into the POD prior to Project construction. In other words, the selective mitigation measures applied during impact analysis and mitigation planning will be carried forward from the EIS, and refined by resource surveys conducted for the selected route. Where substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation) and developed in coordination with cooperating agencies for the selected route.

Also, when applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

Response(s) - continued

In general, the need for additional public land to be designated for conservation management could be considered in future RMP revisions but is not appropriate for a project-level evaluation. No additional special management areas are proposed as part of this Project; and as such, development of management plans for special designation areas is beyond the scope of this Project. Impacts on WSA lands with wilderness characteristics are disclosed in Sections 3.2.14 and 4.3.14 of the Draft EIS and Sections 3.2.16 and 4.3.16 of the Final EIS. Development of management plans for non-WSA lands with wilderness characteristics is beyond the scope of this project.

SI1ah

As explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation), developed in coordination with cooperating agencies for the selected route.

Comment(s)

SI1 — **Audubon Rockies et. al (cont.)**

SI1ai

management of Lands with Wilderness Characteristics, and withdraw from those lands all uses which are incompatible with the conservation objectives. The management plans for these areas must include comprehensive protections for the resources in question, including ROW exclusion, no surface minerals leasing, no off-road vehicle use, etc.

SI1aj

- To the degree that it is consistent with conservation needs for specific species and resources, acquisition, restoration, and long-term management of private lands to mitigate unavoidable impacts is another tool which should be used. If newly acquired or protected lands are to be held in non-federal ownership, conservation values must be given similar permanent protection through deed restrictions and easements, and funding must be secured for long-term management of these lands consistent with the mitigation strategy employed.[9]
- If consistent with conservation needs for specific species and resources, acquisition of private land to be placed within the federal estate and managed with comprehensive protections for the resources in question, and withdrawal from those lands all uses incompatible with the conservation objectives.

SI1ak

- Conservation opportunities across ownerships at landscape level scale should be pursued as mitigation where possible. We need to preserve the ability of species and habitats to adapt to a changing climate. Climate impacts are occurring now and have measurable impacts on the landscape. Consequently larger scale conservation efforts provide a useful hedge against expected impacts the extent to which cannot be precisely forecast today. Such approaches to mitigation are being employed in the State of California in the BLM and DOE California Desert Renewable Energy Conservation Plan (DRECP). They should be considered here as well.

While mitigation for impacts to biological resources is critical, it should not be limited to just those resources. The Agencies should address mitigation for impacts across the range of values and resources found on public lands, including but not limited to Lands with Wilderness Characteristics and Roadless Areas, visual resources, and opportunities for non-motorized recreation.

SI1al

Off-site mitigation should be required to take place in the same ecoregion as the project site, and as locally as possible wherever feasible. The World Wildlife Fund defines an ecoregion as a "large unit of land or water containing a geographically distinct assemblage of species, natural communities, and environmental conditions."[10] Ecoregional health is critical for maintaining the health of individual ecosystems within the ecoregion. In addition to ensuring that off-site mitigation meets a "no net loss" requirement for resources and values lost on the project site and "net conservation" benefit for USFWS Threatened and Endangered species and BLM Special Status Species. The Agencies should require that mitigation take place in the same

[9] Where loss of habitat on public lands is "mitigated" by conservation easements on private lands, the easements should include some provision for public access or enhanced public access be provided in other nearby areas. Otherwise, the loss of hunting, fishing and wildlife opportunities will not be fully addressed. Wildlife behind a private fence and "No Trespassing" sign does not afford the same recreational value to individuals or the same economic value to local communities.

[10] See http://www.worldwildlife.org/science/ecoregions/delineation.html.

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Response(s)

SI1aj

As explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation), developed in coordination with cooperating agencies for the selected route.

SI1ak

See responses to Comment SI1n and SI1q.

SI1al

See response to Comment SI1ag for issues related to management objectives and standards for resources analyzed in the EIS. Recommendations regarding the location of potential off-site mitigation are consistent with the BLM and U.S. Department of the Interior (USDI) mitigation policies and will be considered during development of any potential mitigation. Types of off-site mitigation being considered by the BLM are described in in Appendix K (Sage-grouse Compliance), Appendix E (BLM Mitigation Guidance), and Section 3.2.9 (migratory birds) of the Final EIS.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1al ecoregion as the project site, to ensure the continued health of the overall ecoregion. In situations where availability of private lands for purchase and addition to the federal estate under conservation protection is limited, additional conservation designations on existing BLM land, as well restoration and other mitigation measures, will be necessary.

SI1am As impacts from GWS will vary significantly across the 400-plus mile project distance, wherever possible the Agencies should require that off-site mitigation be implemented on a far more local scale than simply in the same ecoregion as the impact.

Mitigation is still an evolving discipline and land use tool. With that in mind, we offer the following guidance for the mitigation goals within the EIS. Mitigation should enhance long-term health and viability of the impacted populations through permanent protections and others that last at least throughout life of project.

d. Habitat Equivalency Analysis

We support Habitat Equivalency Analysis (HEA) methods that precisely define mitigation needed to offset both short and long-term project impacts and benefit affected populations while still maximizing landscape-scale conservation. As presented in our comments on the Gateway West DEIS, Sage-grouse Supplement, and FEIS (Attachment 1), actual species habitat use data is the appropriate basis for estimating Habitat Services, the currency of an HEA. Our previous recommendation for the Gateway West Habitat Services Metric (HSM) model was that the predictions of this heuristic, expert opinion-based model be checked against the scientifically rigorous USGS Wyoming Basin Ecoregional Assessment (WBEA) sage-grouse models (Hanser et al. 2011). These models, based on sage-grouse pellet counts taken from surveys across the ecoregion, tested a far more comprehensive set of predictors, including disturbance from transmission lines, and incorporated the spatial scale at which predictors were influential.

SI1an The approach we recommend for GWS is based on project-specific modeling efforts, similar to the WBEA. We suggest that the GWS HEA focus on (1) defining the best model for the purposes of valuing habitat proposed for development (vs. habitat proposed for preservation or mitigation) and on (2) the effects of transmission lines and structures themselves. Restoration methods might also be included in the HEA on an experimental, adaptive management basis, but at this time there is insufficient understanding of their equivalency to habitat loss and degradation to allow full use in HEAs. We oppose the use of an opinion-based approach like that used for Gateway West to assess the impacts of development on sage-grouse, habitat services lost, and resulting mitigation needed for the species. We continue to believe this approach could lead to significant negative impacts on this already compromised species.

Recommendation: The Agencies must adopt an HEA process that models actual sage grouse habitat use to identify the strongest habitat predictors. The attempt to define them a priori through an expert opinion process lacks sufficient biological realism and is inherently inaccurate. The HEA and all associated data should be available for public review prior to the release of the FEIS.

e. Avian Protection Plan (APP).

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Response(s)

SI1am See response to Comment SI1n.

SI1an A technical working group (the Habitat Equivalency Analysis [HEA] Technical Working Group) that included sage-grouse biologists from the BLM, FWS, state wildlife agencies, and other cooperating agencies was convened by the Applicant and collaborated to provide input and guidance for developing the Applicant's HEA. The HEA provides a scientific-based, peer-reviewed method of scaling mitigation requirements and has been used by federal regulatory agencies, including the FWS and National Oceanic and Atmospheric Administration.

Comment(s)

Response(s)

SI1 — **Audubon Rockies et. al (cont.)**

SI1ao

The DEIS references an Avian Protection Plan only once, Table 2-8, dated 2011. As with proponents of other high-voltage transmission lines, the proponent should be committed to developing an operational policy and a comprehensive strategy for collecting data, minimizing impacts, and mitigating loss of migratory birds and essential habitats prior to the initiation of construction. This policy and strategy should be incorporated into a single, over-arching, living document (Avian Protection Plan) that will include a full listing of all minimization measures included in this analysis, as well as recommendations from the USFWS and additional information included within the Avian Protection Plan Guidelines, developed by the USFWS and APLIC in 2005 (APLIC 2012). The APP should describe how the transmission tower design will reduce electrocution risks, prevent nesting, and prevent collisions with electrical wires and tower support wires. The GWS APP, given its date, should be updated. Doing so would enable adding line-specific risk assessments for nesting on structures along the chosen ROW and collision risk assessments. The APP should be continually evaluated and refined as monitoring data and new innovations, as well as ongoing information on avian impacts, become available. Given the breadth of avian impacts anticipated to occur with this line, including to sensitive species, the APP must be made available for public review and comment prior to the release of the FEIS. Ongoing impacts to avian species during construction and operation of the line must be provided to the public in a transparent manner, with members of the public given opportunities to participate in the ongoing development of the APP.

Recommendation: The APP must be made available for public review and comment prior to the release of the FEIS.

SI1ao

APPs are utility-specific documents that delineate a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities. The Applicant for the Project is an existing, regulated public utility with an existing programmatic APP that would apply to the Project, if built. Programmatic APPs can be developed to establish utility-wide practices and are not intended to be developed for individual projects. The Applicant's APP is included in the Administrative Record and includes monitoring, reporting, and best management practices to reduce avian mortality.

Location-specific avian protection measures will be developed in collaboration with the agencies and be compatible with the Applicant's existing APP.

f. Reclamation.

Ensuring reclamation of disturbed habitat with native species will require a plan informed by the best available science as well as a rigorous inspection program to achieve goals and objectives in the short-, medium- and long-term.

SI1ap

In addition, the University of Wyoming's Wyoming Reclamation and Restoration Center (WRRC) is an interdisciplinary program housed within the College of Agriculture and Natural Resources and works closely with the School of Energy Resources. This entity contains local expertise and resources of value, which is invaluable given the challenges of restoring these disturbed ecosystems. The Wyoming BLM also has a reclamation website that contains various resources. In addition, the Wyoming Sage-grouse Implementation Task Force (SGIT) has recently convened a Reclamation Committee to address methods and prioritization of reclamation in Wyoming. The work pursued by the SGIT is expected to have regional applicability.

***Overall Recommendations on Mitigation*:** In the FEIS, the Agencies should include additional improvements for mitigation for GWS, including the entire mitigation hierarchy of avoiding, minimizing and off-setting impacts. The Agencies should use the tools provided in the BLM Draft Regional Mitigation Manual and the Presidential Memorandum on transmission siting, permitting and mitigation. The Agencies should also demonstrate how the approaches used for GWS are consistent with the BLM Draft Regional Mitigation Manual, Secretarial Order No. 3330 (see Section IV), and the Presidential Memorandum. In addition, clarification needs to be

SI1ap

The Reclamation, Revegetation, and Monitoring Framework Plan that will be developed for the POD is described in Section 2.4 of the Final EIS. The Reclamation, Revegetation, and Monitoring Framework Plan would use the best available information about reclamation methods to meet the BLM and other agency objectives.

Information about actions that would be taken to avoid, minimize, and mitigate for the potential effects of the Project are described in Section 2.5.1 and in individual resource sections located in Chapter 3 of the EIS. Off-site mitigation being considered by the BLM and relevant regulations and policies are described in in Appendix K (Sage-grouse Compliance), Appendix E (BLM Mitigation Guidance), and Section 3.2.9 (migratory birds) of the Final EIS.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1ap made on how mitigation documents being currently developed by the BLM and USFWS, in regards to Greater Sage-grouse, will be applied to this proposed project. We provide specific recommendations for mitigation measures in Appendices A-C on the routes.

V. Inventory Of and Protection For Lands with Wilderness Characteristics.

The Federal Land Policy and Management Act of 1976 (FLPMA) requires BLM to inventory and consider lands with wilderness characteristics during the land use planning process. 43 U.S.C. § 1711(a); see also Ore. Natural Desert Ass'n v. BLM, 531 F.3d 1114, 1119 (9th Cir. 2008). Instructional Memorandum (IM) 2011-154 and Manuals 6310 and 6320 contain mandatory guidance on implementing that requirement. The IM directs BLM to "conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under [NEPA]."

BLM must update its inventory of lands with wilderness characteristics along the potential GWS routes and cannot simply rely on the underlying Resource Management Plans (RMPs) along the potential routes. See N. Plains Res. Council v. Surface Transp. Bd., No. 97-70037, slip op. at 24-32 (9th Cir. Dec. 29, 2011) (rejecting agency's reliance on "stale" inventory data). Manual 6310 identifies situations when BLM must update its inventory, which includes when: "BLM has new information concerning resource conditions, including public or citizens' wilderness proposals" and when a "project that may impact wilderness characteristics is undergoing NEPA analysis."

BLM should also protect lands with wilderness characteristics, including Citizens' Proposed Wilderness (CPW) areas, from development because of the important resources and values found there. CPW lands have been inventoried by various citizens groups, conservationists, and agencies and have been found to have "wilderness characteristics," including naturalness, solitude, and the opportunity for primitive recreation. Beyond these core values, these lands also provide important wildlife habitat, cultural and scientific resources, invaluable ecosystem services including clean air and water, important economic benefits, and many other resources and values. The sensitive nature of these lands and their resources and values makes transmission development inappropriate there. Potential impacts to specific LWC and CPW areas from GWS routes are addressed in Appendices A-C on the routes.

SI1aq We appreciate that some field offices updated their LWC inventories in response to the proposed TransWest Express and GWS transmission projects. However, in the Little Snake Field Office, the BLM is still in the process of conducting full field inventories of all the draft units – units adjacent to WSAs have not been inventoried in the field. In addition, the Rawlins Field Office recently released an updated draft inventory; the comment period closed on May 16, 2014, and organizations signed on to this letter submitted extensive comments on the need to conduct a more thorough and accurate inventory before making planning decisions. Given the recent closure of the comment period, conservation groups, the public, and other interested parties have not had sufficient time to for on-the-ground analysis of the BLM's inventory. Because of this fact, it is likely that scope and size of the units analyzed in this Draft EIS is inaccurate. BLM

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Inventories of non-WSA lands with wilderness characteristics units in the BLM Little Snake Field Office are complete. Units adjacent to WSAs were inventoried in 1979. Per Manual 6310, the BLM is not required to complete full field inventories for non-WSA lands with wilderness characteristics; rather, the BLM is required to visit the area and review what was originally inventoried for an area to determine if wilderness characteristics are present. The BLM Little Snake Field Office has reviewed the non-WSA lands with wilderness characteristics units adjacent to WSAs and determined the units do not have wilderness characteristics due to lack of solitude from the intrusion of man-made disturbances. As specified in Manual 6310, if an individual or group has information to be considered in the determination of wilderness characteristics, a written proposal describing additional wilderness characteristics must be must be submitted to the applicable BLM field office for review.

In the BLM Rawlins Field Office, all inventoried units crossed by a Project alternative route or route variation are included in the Final EIS (Section 3.2.16 and 4.3.16).

SI1aq See also response to Comment SI1ah. As described in Section 2.5.1.2, after initial impacts were identified for each resource, selective mitigation measures to mitigate impacts for environmental protection (refer to Table 2-13) were applied to avoid, reduce, or minimize moderate or high impacts. This information is recorded for every alternative route and route variation considered in the EIS. Once an alternative route or route variation is selected, the Applicant would coordinate with the BLM and other land-management agencies or landowners, as appropriate, to refine the implementation of mitigation at specific locations or areas. For example, if a road closure was recommended, the Applicant would work with the applicable land-management agency or landowner to determine the specific method of road closure most appropriate for the site or area (e.g., barricading with a locking gate, obstructing access on the road using an earthen berm or boulders, revegetating the roadbed, or obliterating the road and returning it to its natural contour and vegetation). This detailed mitigation would be incorporated into the POD prior to Project construction. In other words, the selective mitigation measures applied during impact analysis and mitigation planning will be carried forward from the EIS and refined by resource surveys conducted for the selected route. Where substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation) and developed in coordination with cooperating agencies for the selected route.

Also, when applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation, to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

must consider and address new information on LWC inventories provided by stakeholders for the Rawlins and other field offices in the future prior to approving projects.

SI1aq

Recommendations: Pursuant to FLPMA and IM 2011-154 and Manuals 6310 and 6320, BLM must update its inventory of lands with wilderness characteristics in areas potentially affected by the proposed GWS corridor. BLM should also protect lands with wilderness characteristics, including CPW areas, from development. If impacts cannot be avoided, then on and off-site mitigation should be required. Specific information on potential impacts to LWC from GWS corridors, as well as recommended mitigation measures, is included in Appendices A-C. BLM should address the inaccuracies in the Little Snake Field Office LWC inventory and the insufficiencies in the Rawlins LWC inventory already identified. Further, BLM must consider and address new information on LWC inventories provided by stakeholders for the Rawlins and other field offices in the future.

VI. Overlap With and Potential Use of West-wide Energy Corridors (WWEC)

Background on WWEC, lawsuit and settlement agreement:

Section 368 of the Energy Policy Act of 2005 requires the Secretaries of Agriculture, Commerce, Defense, Energy and Interior, in consultation with the Federal Energy Regulatory Commission (FERC), other governments, industries, and other interested parties, to designate energy corridors on federal lands. The agencies are required to complete any environmental reviews and incorporate the corridors into existing land use plans as part of the designation process. Section 368 also requires that the agencies establish procedures to ensure that additional corridors are designated promptly and to expedite applications for construction of pipelines and facilities within the designated corridors. As required, WWEC were first designated in the 11 Western States. A process to designate corridors in the remaining states has also commenced.

The original corridor designations did not focus on or facilitate access to renewable energy development. Further, because of failures to consider the actual impacts of the corridors and to engage the public and state and local governments, the currently-designated WWEC would adversely affect National Park Service areas, National Monuments, National Wildlife Refuges, habitat for threatened and endangered species, and proposed wilderness, among other special places and values, and miss opportunities to minimize impacts and designate preferable locations. For these reasons, a coalition of conservation organizations and a western Colorado county challenged the original WWEC designations in court.[1]

In June 2012, a landmark settlement was reached between federal agencies and the plaintiffs (Attachment 2). Through the settlement, the WWEC designations will be reevaluated and revised to better: avoid environmentally sensitive areas, diminish proliferation of dispersed right-of-ways

[1] Plaintiffs are: The Wilderness Society, BARK, Center for Biological Diversity, Defenders of Wildlife, Great Old Broads for Wilderness, Klamath-Siskiyou Wildlands Center, National Parks Conservation Association, National Trust for Historic Preservation, Natural Resources Defense Council, Oregon Natural Desert Association, Sierra Club, Southern Utah Wilderness Alliance, Western Resource Advocates, Western Watersheds Project, and County of San Miguel, Colorado.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

(ROWs), and facilitate development of renewable energy projects. This will be accomplished through four key provisions:

1) The BLM, FS, and Department of Energy (DOE) have entered into a Memorandum of Understanding (MOU) that will guide the agencies' review of WWEC and mitigation measures (both for corridors already designated and any new corridors) through an interagency work group that will review corridors and mitigation measures, and provide their recommendations on needed revisions, deletions and additions (Settlement Agreement Section II.A.1).[11]
2) BLM, FS and DOE will follow specified corridor siting principles when reviewing WWEC and developing recommendations for revisions, deletions and additions, including evaluating areas that have a high concentration of corridors, considering access for renewable energy, and looking at options to avoid or reduce environmental impacts, with opportunities for stakeholder participation (Settlement Agreement Section II.A.1.c.).
3) BLM and FS will issue guidance on use and development of WWEC, including identifying "corridors of concern" and known conflicts in those corridors, as well as emphasizing the need for environmental analysis of any proposed projects in a corridor pursuant to the National Environmental Policy Act (NEPA) (Settlement Agreement Section II.A.2).[12] BLM will also correct its existing guidance, in Instruction Memorandum 2010-169, regarding siting and construction of electric transmission infrastructure in energy corridors to incorporate the direction from this settlement (Settlement Agreement, Section II.A.5).
4) BLM and FS will incorporate and increase emphasis on environmental considerations into agency training on processing applications to site pipelines and electrical transmission lines.

The BLM and other federal agencies have maintained their focus on these key provisions and continue to meet the benchmarks required by the settlement, including publication of the inter-agency MOU in July 2013 and initiation of the first review of the WWEC.

The WWEC and the GWS DEIS:

Potential routes for GWS overlap WWEC in several locations as shown on Map 2-1a and Map 2-1b. (DEIS pp. 2-55 to 2-56). Some areas of overlap include corridors identified as "Corridors of Concern" (COCs) in the settlement agreement, as described in the DEIS. (DEIS pp. 1-17 to 1-18; pp. 3-642 to 3-645).

Further, the agreement defines COCs as corridors "having specific environmental issues" and, where projects overlap with COCs, the agencies have committed to identify the specific resource

[11] Available at: http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS__REALTY__AND_RESOURCE_PROTECTION_/energy/transmission.Par.54511.File.dat/S.%20368%20Settlement%20MOU_Signed07-08-2013.pdf

[12] BLM's new guidance was issued in Instruction Memorandum 2014-080, available at: http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2014/IM_2014-080.html

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SI1 **Audubon Rockies et. al (cont.)**

conflicts and will also be providing notice that siting projects within these corridors will likely lead to heightened public interest and concern and may:

- Be challenged;
- Involve significant environmental impacts;
- Involve substantially increased or extensive mitigation measures such as off-site mitigation to compensate for impacts to sensitive resources;
- Include preparation of an environmental impact statement;
- Include consideration of alternatives outside the corridor and consideration of an alternative that denies the requested use; and
- Include amendment of the applicable land use plan to modify or delete the corridor of concern and designate an alternative corridor.

As described above, BLM has issued guidance for BLM line managers on addressing applications for projects in WWEC and COCs (BLM IM 2014-080). Where GWS routes overlap with COCs, the Agencies and the Proponent must take special care to set out the issues identified for the COCs in Exhibit A to the settlement agreement (Attachment 3). In some cases, alternative routes in COCs could be the lowest-impact routes analyzed in the DEIS in the region. For this reason, the fact that a route is in a COC should not eliminate an alternative route from consideration altogether, but it does require additional actions as defined in the settlement agreement, including consideration of how the values at risk will be affected and/or can be protected.

Specific issues relating to COCs and recommended mitigation measures to address those issues are included in Appendices A-C on the routes. We also recommend that the Agencies evaluate whether to delete or modify the corridor designations that are within COCs and consider possible new corridor designations to help access renewable energy as part of these RMP amendments.

SI1ar

Finally, some of the alternative routes for GWS fall within WWEC which would be the lowest-impact routes under consideration in the region, yet BLM and the applicant are not proposing to use the WWEC. For example, segments W111 and C13 follow WWEC and are the lowest-impact routes under consideration in the region, but they are not the BLM's preferred alternative or the applicant's proposed route. Where the WWEC are the lowest-impact routes under consideration, BLM should make those routes the BLM-preferred routes.

***Recommendations*:** The Agencies should evaluate whether to delete or modify the corridor designations that are within COCs and consider possible new corridor designations to help access renewable energy as part of these RMP amendments. Where the WWEC are the lowest-impact routes under consideration, BLM should make those routes the BLM-preferred routes.

VII. Deficiencies in the GWS DEIS

a. The DEIS fails to adequately analyze impacts to climate change and conformance to the President's Climate Action Plan

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Response(s)

SI1ar

The analysis and documentation in the EIS have been updated to be consistent with BLM Washington Office Instruction Memorandum (WO-IM) No. 2014-080, Policy Guidance for Use of Corridors Designated Pursuant to Section 368 of the Energy Policy Act of 2005 as Required by the Settlement Agreement in Wilderness Society v. USDI, No. 3:09-cv-03048-JW (D. N.D. Cal), which was issued on April 10, 2014.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

The DEIS (S-2) states the following regarding BLM's purpose and need for preparing the document:

> "The agencies' purpose and need is further guided by the President's Climate Action Plan (President of the United States 2013), which is a broad-based plan to cut carbon pollution. Part of the plan focuses on expanding and modernizing the electric grid to promote clean energy sources. To this end, the agencies are charged with analyzing applications for utility and transportation systems on land they administer. When analyzing applications, the agencies also must consider the recommendations in the 2011 Western Electricity Coordinating Council 10-Year Regional Transmission Plan regarding future transmission needs."

SI1as

The DEIS fails to address how GWS would promote clean energy in a way that mitigates impacts of climate change on national level, let alone on a global scale. Along with the President's Climate Action Plan, NEPA requires that federal agencies "recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment."[13]

The DEIS failed to follow both NEPA and the President's Climate Action Plan by omitting an analysis of the type of energy generating resources that would benefit from the proposed line. Absent this essential analysis, neither the BLM nor the public have a clear idea of whether new renewable resources or existing fossil fuel generation will utilize the line. The DEIS must make some effort to assess how the line will be utilized. Rather than engage in the rigorous analysis required by NEPA, the DEIS evaded this critical issue with the following language: "The GHG emissions are regulated under federal requirements that include mandatory reporting and GHG emission permits for major sources. It is not expected that the types of sources that will be part of the Project would be subject to these Rules."[14] With this conclusory statement, the DEIS ignored the very real fact that PacifiCorp could interconnect its major fossil fuel generating stations to the Gateway Project.

Recommendation: The DEIS should follow both NEPA and the President's Climate Action Plan by including an analysis of the type of energy generating resources that would benefit from the proposed line.

b. BLM must consider, disclose and analyze significant new information in the DEIS in order to demonstrate Purpose and Need

[13] 42 U.S.C. § 4332(f).

[14] BLM. (2014) Chapter 3 Affected Environment and Environmental Consequence. Page 8.

Response(s)

SI1as

It is not BLM's role or responsibility to verify the applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by PacifiCorp is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond the application for right-of-way across lands it administers.

Regarding the scope of analysis presented in the EIS, it is beyond the scope of existing science to relate a specific source of GHG with the creation (or mitigation) of any specific climate-related environmental effects. Further, since the specific effects of a particular action, which may contribute to or mitigate against climate change, cannot be determined, it is also not possible to determine whether any of these particular actions will lead to significant climate-related environmental effects. Finally, there are still not regulatory standards for climate change. Thus, the BLM believes the analysis in the EIS represents the best available science as required by the CEQ guidelines.

With climate change, increased peak demands for electricity for air conditioning will deplete electrical generation and distribution capacities. The Environmental Protection Agency (EPA) projects that climate change could increase the need for additional electric generating capacity by 10 to 20 percent by 2050. Conversely, the demand for natural gas, oil, and wood for heating will decrease. Electricity supply will also be affected by increased year-to-year variability of precipitation that is expected (U.S. Global Change Research Program 2012; EPA 2014). Fossil fuel and nuclear power plants that use water for cooling will have reduced efficiencies with higher air and water temperatures. (Tidwell et al. 2013)

Higher temperatures will also negatively impact the capacity of transmission lines and transformers. Transmission lines incur incremental power losses as the temperatures of conductors increase. Low wind speeds on extremely hot days may result in conductor temperatures that can permanently damage transmission lines. Higher ambient temperatures also reduce the peak-load capacity of transformers and increase the risk of catastrophic failure. Transmission systems will be at increased risk of loss or damage due to wildfires. The Project will contribute to a part of the President's Climate Action Plan (President of the United States 2013), which focuses on expanding and modernizing the electric grid to meet these challenges.

The time required to add significant transmission infrastructure is often longer than adding generation resources or securing third-party resources. Transmission additions must be integrated into regional plans and then permits must be obtained to site and construct the physical assets. Inadequate transmission capacity limits the ability to access what would otherwise be cost-effective generating resources, including renewables. As a result, the specific generation resources that would connect with the proposed transmission line are not known at this time and their GHG and impacts, therefore, cannot be quantified.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1at

The DEIS cites important data from PacifiCorp's 2011 Integrated Resource Plan (IRP),[15] even despite PacifiCorp's 2013 IRP[16] significantly altering the data that BLM is basing its analysis and decision-making on. Beyond the fact that the 2011 IRP is outdated and BLM obviously is aware of significant new information yet isn't utilizing it or disclosing it to the public, the use of old data compromises the entire DEIS's analysis by placing the purpose and need it question.

Specifically, the DEIS has failed to include and incorporate the information form the 2013 IRP where PacifiCorp lowered many of the same growth forecasts and peak load needs cited in the DEIS. The difference in Forecasted Annual System Coincident Peak in 2023 is approximately 1,800 MW (13,000 MW - 11,200 MW = 1,800 MW). This is significant because the Gateway South Project is projected to carry 1,500 MW of capacity, and the difference between the load forecast vintages exceeds the carrying capacity of the proposed line.[17] PacifiCorp's updated data calls into question the actual need for the proposed project. In order to comply with NEPA, BLM must revise the EIS to reflect the most recent information on growth forecasts.

The DEIS's description of PacifiCorp's energy usage growth and resource needs is also outdated and must be revised accordingly. According to the DEIS, energy usage growth will be 2.3 percent per year for the next five years and 2 percent each year over the next ten years.[18] This information is based on the 2011 IRP and does not reflect the Company's current forecast.[19,20] The 2013 IRP projects a peak load growth compound annual growth rate of 1.2 percent from 2013-2022. Energy growth in the 2013 IRP is at an annual average growth rate of 1.08 percent for 2013-2022, well below the 2 percent noted in the DEIS.[21] The annual average growth rate for the five years (2013-2017) is 0.68 percent, well below the 2.3 percent for the next five years cited in the DEIS. BLM's energy growth rates for PacifiCorp should be updated to be consistent with PacifiCorp 2013 IRP values.

Recommendation: DEIS's description of PacifiCorp's energy usage growth and resource needs is also outdated and must be revised accordingly.

c. Challenges to Evaluate Wildlife Impacts as Presented in DEIS

SI1au

The DEIS presents wildlife impacts, including to special status wildlife, by alternative route (see Table 3-110 in DEIS as example) rather than segments. This level of information aggregates impacts at too coarse of a spatial scale to allow reviewers to understand and evaluate the level of impact across the individual segments. It is unrealistic to expect that one of the alternatives, as a whole, presented in the DEIS will ultimately be selected for the transmission route. Given this,

[15] US Department of Interior Bureau of Land Management. Draft Environmental Impact Statement and Land-use Plan Amendments for the Energy Gateway South Transmission Project. BLM/WY/PL-14/009+5101, Case File: WYW-174597. Volume1-A. February 2014.

[16] PacifiCorp. 2013 PacifiCorp Integrated Resource Plan Volume 1. March 30, 2013. Available at http://www.pacificorp.com/content/dam/pacificorp/doc/Energy_Sources/Integrated_Resource_Plan/2013IRP/PacifiCorp-2013IRP_Vol1-Main_4-30-13.pdf.

[17] BLM. (2014). Page S-3.

[18] BLM. (2014). Page S-3.

[19] PacifiCorp. 2011 Integrated Resource Plan Volume 2. March 31, 2011. Table A.9. Page 11.

[20] Table A.9 indicates that the 2011-2020 average annual growth rate is 2.1 percent. The average annual growth rate for the five years 2011-2015 is 2.4 percent. These values are slightly different that the growth rates reported in the DEIS.

[21] PacifiCorp. 2013. Appendix A. Page 30.

Response(s)

SI1at

It is not BLM's role or responsibility to verify the applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by PacifiCorp is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond the application for right-of-way across lands it administers. The most readily available information was used during development of the Draft EIS. The BLM understands that PacifiCorp prepares its Integrated Resource Plan (IRP) on a biennial schedule, filing its plan with state utility commissions during each odd numbered year. For even-numbered years, PacifiCorp updates its preferred resource portfolio and action plan by considering the most recent resource cost, load forecast, regulatory, and market information. Updates to the IRP are available to the public at http://www.pacificorp.com/es/irp.html. Based on the current schedule for the Final EIS, the 2013 IRP Update is the most current information. Appendix A of the Final EIS has been updated to reflect the 2013 IRP Update. BLM understands from PacifiCorp that preparation of the 2015 IRP Update is currently underway and will be available in March 2015.

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Section 2.5.1.3 and Figure 2-7 of the Final EIS presents the systematic and progressive analysis for screening and comparing local areas (Level 1 analysis) then subregional areas (Level 2 analysis) that was conducted to narrow the number of alternative routes and route variations and determine the most environmentally acceptable alternative routes and route variations to be addressed in the EIS. That is, for each level, once the impacts along each of the areas (local/sublocal/regional) of alternative routes and route variations had been analyzed, the areas of alternative routes were screened and compared to identify which were most environmentally preferable and to eliminate from further consideration less preferable ones (in accordance with criteria at 40 CFR 1502.14). The Level 1 and 2 analysis results are recorded in the Project record. Routes considered and eliminated from detailed analysis through the Level 1 and Level 2 screening and analysis are described in Section 2.6.2 in the EIS. The Level 3 analysis involved combining the suitable segments of routes from the first two levels of screening to form complete routes. The Level 3 analysis is presented in the EIS. The commenter is referred to Tables S-1a through S-1d in the EIS that provide a detailed comparative analysis (Level 3) of the resources for each alternative route and route variation considered in detail in the EIS. The tables identify key resource inventories and associated impacts for each resource based on the analysis presented in Chapter 3. Further, the commenter is referred to the Map Volume (Volume II) that accompanies the EIS. The map volume contains one map showing the seven construction access levels that predict (1) the general type of access required for each mile of alternative route and (2) the associated disturbance and 23 maps showing resource inventory and impacts. The inventory and impacts are reported by link. Finally, because of this systematic and progressive analysis, the Agency Preferred Alternative identified for the northern Project area (from Aeolus Substation, Wyoming, to near U.S. Highway 40 at the Colorado-Utah border) and southern Project Area (from the Colorado-Utah border to the Clover Substation, Utah) in the EIS does indeed reflect the agencies' preference for consideration by the agency decision-makers when selecting and approving a route.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

the manner in which wildlife impacts are presented in the DEIS limits the ability of reviewers to provide feedback or guidance on unique routing combinations, severely limiting the ability of the public to understand the impacts and engage in the NEPA process. This information was presented for selected segments, specifically the alternative connectors, and should be provided for all the segments. This can be accomplished through GIS analyses of data already compiled for the DEIS and would allow for much better analysis of route alternatives. In addition, this lack of information limited our collective ability to identify site-specific opportunities for mitigation. Our organizations strongly encourage this information be made available in the FEIS, especially as current GIS technology makes this analyses possible. Too many uncertainties remain about *segment specific impacts*, including but not limited to:

SI1au

- Waterfowl habitat (acres) construction/operation
- Number of raptor nest within 1 mile of the reference line
- Impacted potential black-footed ferret habitat (acres) construction/operation
- Impacted greater sage-grouse habitat (acres) construction/operation
- Number of occupied leks within 4 and 11 miles of reference line
- Number of special status raptor nests within 1 mile of reference line
- Big game crucial winter ranges and habitat types
- Acreage of Bird Habitat Conservation Areas crossed by the Alternatives

Recommendation: Wildlife impacts should be broken down by segments to enable reviewers to understand and evaluate the level of impact across individual segments.

d. Inadequate Analyses of Conservation Easements

SI1av

Conservation easements are being increasingly utilized as a tool for the permanent conservation of private lands in the United States, especially valuable in keeping landscapes intact and habitat unfragmented. In a recent article by Copeland et al. 2013[22], the authors note:

> Conservation easements, legal agreements with landowners to restrict development rights on their lands in exchange for tax incentives or cash or both, have become a primary protection tool used by governmental agencies and land trusts globally, though especially in the United States, to achieve conservation goals and permanently restrict development and fragmentation on private lands [15,16]. Easements have been shown to reduce development and favor wildlife use in sagebrush ecosystems [17]. Easements are also expected to be effective for sage-grouse conservation on private lands.

However, conservation easements were inadequately addressed within the DEIS. The lack of consideration of these legal agreements and their location in relation to the proposed alternatives limits the ability of reviewers to evaluate the impacts associated with developing particular segments. The challenges presented by the Tuttle Ranch Conservation Easement in Colorado are illustrative of the issue. Even though localized options are outlined in the DEIS, the document

[22] Copeland H.E., A. Pocewicz, D.E. Naugle, T. Griffiths, D. Keinath, J. Evans, J. Platt. 2013. Measuring the Effectiveness of Conservation: A Novel Framework to Quantify the Benefits of Sage-Grouse Conservation Policy and Easements in Wyoming. PLoS ONE 8(6): e67261. doi:10.1371/journal.pone.0067261

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Response(s)

SI1av

Comment noted. Conservation easement information was collected from multiple sources for this Project, including state and local agencies. In reviewing the website referenced in your comment, the area for the Sand Wash/Sinkdraw conservation easement was larger so the boundary was updated for the EIS. In addition, two additional conservation easements in Sanpete County, Utah were added to the EIS analysis based on a comment received by the State of Utah. Any conservation easements in the Project study corridor are addressed by Project alternative route and route variation in Section 3.2.15.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

fails to fully address the impacts to the landscape – including the nearby substantial easement being pursued by NRCS and the Colorado Cattlemen's Association. Independent review by one of our organizations, using the National Conservation Easement Database, identified unreported conservation easements which overlap proposed routes. This information, in addition to outreach to major entities involved in conservation easements, should be included in the FEIS analyses for impacts by individual segments. From the public's perspective, this failure reduces the ability to minimize impacts and the upfront opportunity to identify site-specific mitigation locations. Failure to identify conservation easements raises concerns about not only conservation impacts, but also delays, increased costs and complications for this transmission route, as unknown conservation easements are identified later in permitting process.

SI1av

Recommendation: The Agencies should make every effort to identify existing and proposed conservation easements which might fall within the transmission corridor, including outreach to major entities involved in recruitment and management of conservation easements. This information, summarized by segment number, should be included in the FEIS.

VIII. Greater Sage-Grouse Resource Management Plan Amendments

The Northwest Colorado Greater Sage-Grouse Draft Land Use Plan and Environmental Impact Statement (NW CO GRSG RMP) was recently released for public review, with Wyoming and Utah plans slated for release in September/October. The draft considers four possible management alternatives for maintaining and increasing habitat for Greater Sage-Grouse on BLM and Routt National Forest lands in northwestern Colorado, which encompasses substantial portions of the alternatives in region 1. The proposed 400-mile GWS project would cross through a substantial amount of key sage-grouse habitat, including Moffat County, Colorado, which is home to over two-thirds of Colorado's Greater Sage-Grouse population. Other key sage-grouse populations in southwestern Wyoming and the Uinta Basin of Utah are also expected to be affected if the project is built.

Given the importance of sage-grouse conservation, BLM should heavily weigh sage grouse conservation in determining the preferred route. While we understand the BLM's goals are to be consistent with or complementary to other management actions whenever possible, our organizations want thoughtful planning that will ensure that impacts to grouse are avoided to the greatest extent possible and where this cannot be done, minimized through inclusion of scientifically sound decision-making and meaningful public input.

SI1aw

Review of the NW CO GRSG Draft RMP identifies all three action alternatives as having different approaches to ROW management. *Alternative C* (Conservation Groups) has all designated habitat (Preliminary Priority Habitat – PPH, Preliminary General Habitat – PGH, and Linkage/Connectivity Habitat) as exclusion areas for new BLM ROWs. *Alternative B* (National Technical Team Measures) and the *Alternative D* (Colorado Sub-regional/BLM Preferred) both only manage ROWs in regards to PPH. Alternative B has PPHs managed as exclusion areas and Alternative D has them managed as avoidance areas. However, Alternative D specifies that ROWs would be allowed in PPH *if* they don't adversely affect GRSG. Alternative D is also the only alternative that specifically addresses large transmission lines (greater than 230 kilovolts), which *brings into question whether the BLM has presented a reasonable range of alternatives*

SI1ax

Response(s)

SI1aw See response to Comment SI1j.

SI1ax The BLM is not required to evaluate potential restrictions contained in the alternatives considered in the federal sage-grouse mananagement planning process in the EIS for the Project. The analysis contained in the Final EIS for the Project is based on BLM and other cooperating agency policies and plans pertaining to sage-grouse management that are in effect at the time the analysis was prepared. If an action alternative is selected, the BLM's decision on the Project would comply with all relevant sage-grouse stipulations in applicable BLM RMPs at the time the decision is issued.

Comment(s)

Response(s)

SI1 — **Audubon Rockies et. al (cont.)**

and the appearance of pre-decisional information in habitat that is of critical importance to the long-term management of GRSG. For large transmission lines, such as GWS, Alternative D (see figure 2-8, page B-14 in NW CO GRSG Draft RMP) has PPH as exclusion areas except for the 68,000 acres managed as an avoidance area. This avoidance area follows the same approximate route identified as the BLM and applicant-preferred alternative for GWS.

SI1ax ***Recommendations:*** Although these federal processes are moving separately, they need to be aligned such that they are using current and accurate science, and incorporate a meaningful range of alternatives that can be consistently applied across the two processes. We would also note that, as with the Colorado example provided above, other affected states have state-specific approaches to managing sage-grouse, which will also address the lands addressed by the GWS EIS, so similar analyses will be required for other route segments. Further, the public should have an opportunity to review and comment on those elements before final decisions are made.

IX. Concerns and Opportunities Regarding Greater Sage-Grouse and GWS

a. Sage-Grouse and Impacts Associated with Transmission Lines

In a 2009 report prepared for the Department of Energy[23], titled "Sage-Grouse and Wind Energy: Biology, Habits, and Potential Effects from Development," the authors summarized that "Braun et al. (2002) reported that sage-grouse were particularly susceptible to the placement of overhead power lines at within 0.8 km (0.5 mi) of nesting grounds. Significant impacts to sage-grouse have been documented from overhead power transmission and communication distribution lines out to 6 km (3.7 mi) (Manville 2004)."

The USFWS 2010 Finding[24] also identified power lines as directly affecting Greater Sage-grouse "by posing a collision and electrocution hazard" (Braun 1998, pp. 145-146; Connelly *et al*. 2000a, p. 974), having indirect effects by decreasing lek recruitment (Braun *et al*. 2002, p. 10), increasing predation (Connelly *et al*. 2004, p. 13-12), fragmenting habitat (Braun 1998, p. 146), and facilitating the invasion of exotic annual plants (Knick *et al*. 2003, p. 612; Connelly *et al*. 2004, p. 7-25) (page 18). Additionally, sage-grouse could be impacted through a direct loss of habitat and human activity (especially during construction periods) (USFWS 2010 at 44). The recently released Gateway West FEIS noted that recent research identified the best predictors between extirpated and occupied ranges to include distance to transmission lines (Wisdom et al 2011). FEIS at 3.11-74. Knick et al. 2013 further emphasizes intolerance of grouse to human disturbance and development, reporting that 99% of active leks in the species' western range were in landscapes with <3% disturbance.

[23] Becker J.M., J.D. Tagestad, C.A. Duberstein, J.L. Downs. 2009. Sage-Grouse and Wind Energy: Biology, Habits, and Potential Effects from Development. U.S. Department of Energy – PNNL 18567. Contract: DE-AC05-76RL01830. 35 pp. http://www.pnl.gov/main/publications/external/technical_reports/pnnl-18567.pdf

[24] US Fish and Wildlife Service 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered. 2010. 50 CFR Part 17, FWS-R6-ES-2010-0018, MO 92210-0-0008-B2]. http://www.gpo.gov/fdsys/pkg/FR-2010-03-23/pdf/2010-5132.pdf

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

Earlier this year, the U.S. Geological Survey in cooperation with the BLM, released "Summary of Science, Activities, Programs, and Policies the Influence the Rangewide Conservation of Greater Sage-Grouse (Centrocercus urophasianus): Open-File Report 2013-1098" [25]. This report notes that transmission lines and local distribution lines are widespread throughout the range of sage-grouse and are especially prevalent in MZ II and in priority habitats in portions of MZs III and IV. This proposed high voltage transmission line will be an additional disturbance on the landscape, with its placement determining level of impacts to this imperiled species.

Recent range-wide breeding density analysis performed for the BLM stresses the importance of specific areas to sage-grouse, and thus conservation prioritization. Specific portions of GWS routes fall within areas that contain the top 25 percent of the breeding population within Management Zones II (WY, CO, UT) and III (UT)[26].

The USFWS 2010 Findings state, "Southwestern and central Wyoming and northwestern Colorado in MZ II has been considered a stronghold for sage-grouse with some of the highest estimated densities of males anywhere in the remaining range of the species (Connelly *et al*. 2004, pp. 6-62, A5-23). Wisdom *et al*. (in press, p. 23) identified this high-density sagebrush area as one of the highest priorities for conservation consideration as it comprises one of two remaining areas of contiguous range essential for the long-term persistence of the species" (page 35) [27].

SI1ay

Therefore, we remain concerned that the GWS transmission line *will* cause significant adverse impacts to Greater Sage-Grouse (GRSG) if improperly sited. Priority habitats should be identified and protected with adequate stipulations. Leks, nearby nesting and brood-rearing habitats, and winter habitat should be avoided. Locations for appropriate mitigation should be identified using the latest in spatial tools, and monitoring enforced to determine effectiveness. Our organizations recognize that careful planning and siting for GWS will not only benefit directly impacted populations of grouse but also be helpful in minimizing impacts from other proposed high voltage transmission lines.

b. Series Compensation Stations

SI1az

The DEIS notes that activities related to the construction and maintenance of compensation stations could result in loss or alteration of sage-grouse general habitat (DEIS p.3-576). However, the DEIS fails to provide information (i.e. map) of general areas where these might be

[25] Manier, D.J., Wood, D.J.A., Bowen, Z.H., Donovan, R.M., Holloran, M.J., Juliusson, L.M., Mayne, K.S., Oyler-McCance, S.J., Quamen, F.R., Saher, D.J., and Titolo, A.J., 2013, Summary of science, activities, programs, and policies that influence the rangewide conservation of Greater Sage-Grouse (*Centrocercus urophasianus*): U.S. Geological Survey Open-File Report 2013–1098, 170 p., http://pubs.usgs.gov/of/2013/1098/

[26] Doherty K.E., J.D. Tack, J.S. Evans, and D.E. Naugle. 2010. Breeding densities of greater sage-grouse: A tool for range-wide conservation planning. BLM Completion Report: Interagency Agreement # L10PG00911. http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications_Directorate/public_affairs.Par.46599.File.tmp/GRSG%20Rangewide%20Breeding%20Density.pdf

[27] US Fish and Wildlife Service 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered. 2010. 50 CFR Part 17, FWS-R6-ES-2010-0018, MO 92210-0-0008-B2]. http://www.gpo.gov/fdsys/pkg/FR-2010-03-23/pdf/2010-5132.pdf

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Response(s)

SI1ay

The BLM acknowledges the importance of considering breeding density of sage-grouse when siting transmission lines. The BLM conducted an analysis of the breeding density of sage-grouse at leks within 4 miles of the proposed alternative routes and route variations. This analysis is presented in Section 3.2.8.5.4 of the EIS.

The BLM conducted the analysis of potential effects on sage-grouse using the best available information, including information regarding the location of priority habitats. The analysis has been revised to incorporate additional information regarding winter and brood-rearing habitats, where available. Under all alternative routes and route variations, design features and site-specific selective mitigation measures would be used to reduce the effects of the Project on sage-grouse. These measures are described in Section 3.2.8.4.3 and Table 3-102 of the Final EIS.

As described in Section 3.2.8.4.3, preconstruction surveys would be conducted to refine the application of selective mitigation measures and to establish monitoring requirements, which would be included in the POD.

SI1az

As identified in Appendix B, Section 2.6, locations for the stations have not yet been identified. The stations will be located approximately one-third (Series Compensation Station No. 1) and two-thirds (Series Compensation Station No. 2) of the distance from the Aeolus Substation to the Clover Substation. Series compensation siting areas identified by the Applicant are identified on map set MV-12 and were considered in the analysis referenced in this comment.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1az located. Lack of information precludes the ability to provide substantive comments. This is concerning given, "[c]onstruction of the series compensation station within sage-grouse habitat could affect sage-grouse habitat use and behavior due to the effects of noise and human presence associated with construction and operation of the series compensation site. Additionally, fences constructed around the series compensation station could provide perching structures for avian predators and could increase in predation pressure on sage-grouse using habitats adjacent to the series compensation station." DEIS p. 3-576.

c. More In-Depth Review of Actual Habitat, Population Trends, and GRSG Impacts

SI1ba The DEIS does provide description of the various grouse populations that are crossed by the line, it lacks a complementary map that illustrates their location to the segments of the route. This latter part should be included in the FEIS. The DEIS has little or no discussion of actual habitat and population conditions and trends in the Core/Priority/PPH Habitats identified as being overlapped by the Project Area, of which we know is available in Wyoming at the very least. BLM needs to incorporate and analyze additional site-specific information for each individual core area, based on a search of existing state data and scientific research. The discussion should include (1) a quantitative discussion of the most recent survey data regarding leks and bird numbers, (2) a qualitative discussion of the resource values and current condition of these priority habitats - including trends, threats, and direct, indirect and cumulative impacts and (3) other issues and special resource values in the priority habitats relevant to the impacts anticipated with construction and operation of this high voltage transmission line - including migration corridors, connectivity, breeding density, special habitat types such as brood-rearing or winter habitat, and existing disturbance levels and percentage. These analyses will reflect the best current scientific information, and the fact that all core areas may not be "created equal" with regard to habitat quality and importance to conservation and recovery efforts.

SI1bb In addition, as noted in a previous section, the DEIS presents GRSG impacts by alternative route rather than segments (see Table 3-104 as example). This level of information aggregates impacts at too coarse of a spatial scale to allow reviewers to understand and evaluate the level of impact across the individual segments. It is unrealistic to expect that one of the alternatives, as a whole, presented in the DEIS will ultimately be selected for the transmission route. Given this, the manner in which wildlife impacts are presented in the DEIS minimizes the ability of reviewers to provide feedback or guidance on unique routing combinations, reducing the value of public engagement. This information was presented in a limited fashion for selected segments, specifically the alternative connectors, but should be provided for all the segments. This can be accomplished through GIS analyses of data already compiled for the DEIS and would provide more defensible justification for selected route segments.

d. Sage-Grouse Mitigation Measures Proposed in DEIS

i. General Review of Proposed Mitigation Measures

The DEIS proposes implementation of various measures to identify sensitive areas to GRSG (e.g. leks, nesting habitat, wintering habitat, etc.) and implement seasonal timing restrictions and

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Response(s)

SI1ba The methods used to identify and analyze potential effects on greater sage-grouse meet BLM and cooperating agency requirements for sage-grouse impact analysis and are consistent with the Framework for Sage-grouse Impacts Analysis for the Project (Final EIS, Appendix K). Impacts on sage-grouse were evaluated for (1) core areas or priority habitat, (2) general habitat and transmission line corridors designated in Wyoming Executive Order 2011-5, (3) habitat within 4 miles of leks in core areas or priority habitat, (4) habitat within 4 miles of leks outside core areas or priority habitat, (5) the numbers of sage-grouse leks within 2, 4, and 11 miles of each alternative route and route variation, and (6) the percentage of each state's estimated sage-grouse population that attend leks located within 4 miles of each alternative route and route variation. The same methods used to conduct these analyses on a statewide basis were used to analyze impacts on sage-grouse and sage-grouse habitat in the seven geographically separate sage-grouse populations crossed by the alternative routes and route variations in Utah. Sage-grouse habitat in northwestern Colorado and south-central Wyoming is contiguous and distinct population boundaries are not recognized by the BLM or state wildlife agencies. Therefore, additional individual population-level analyses beyond the statewide analyses described previously were not warranted in Colorado and Wyoming.

Descriptions and maps of population areas in each state are provided in Section 3.2.8.5.4 and include numbers of known occupied leks, population trends, and existing direct and indirect impacts on populations and habitats.

SI1bb See response to Comment SI1a.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

protection buffers in accordance with various Instructional Memorandums, Executive Orders, and existing Resource Management Plans (RMP). Adherence to these regulations and guidelines is being presumed to reduce impacts to GRSG. However, there are fundamental flaws with this rational and challenges for stakeholders to have assurances of meaningful protection for grouse. Specifically, (1) these RMPs are often dated and founded on inaccurate/inadequate protections, (2) field offices present an inconsistently wide range of protective measures, (3) these protections are primarily limited to construction only, (4) not all aspects of GRSG biology or habitat needs are adequately addressed, (5) monitoring and enforcement are poorly addressed, (6) off-site mitigation is inadequately considered, and (7) areas serving as refugia, such as unfragmented landscapes, are not identified for stronger protections. Some of these concerns are addressed in further detail below.

ii. Protective Stipulations

Surface disturbance is anticipated to have adverse impacts to sagebrush habitats including temporary and permanent loss of habitats across all alternatives. Fragmentation and degradation of habitat for GRSG also is anticipated from surface-disturbing activities and associated development. Therefore, protective stipulations within the project area deserve careful attention.

SI1bc

The DEIS relies heavily on BLM field office stipulations (Table E-11), which highlights *the inconsistent and inadequate wildlife protections across the field office planning areas*. The FEIS should include a table which identifies the RMPs that are relevant to this Project, as was done for TWE.

In addition, the protections afforded to GRSG are predominantly founded in inaccurate/inadequate protections. Collectively, our organizations continue to stress that that science strongly argues that the *spatial restrictions (no surface use and controlled surface use restrictions) proposed in the DEIS are severely inadequate*. The 0.25 mile and 0.60 restrictions around the perimeter of occupied leks, as noted in Table E-11, have long been recognized as being without scientific merit and an inadequate protective measure to maintain lek activity (Holloran 2005, Walker et al. 2007). Instead, given the research from oil and gas development, the agency should *avoid placing transmission lines within 5 miles of sage-grouse leks, which is also recommended by the USFW* [28]. The Lander RMP DEIS and FEIS both recognized this, as did the Miles City RMP. As noted in the latter, "BLM NSO stipulations for leasing and development within 0.25 miles of a lek would result in an estimated lek persistence (the ability of leks to remain on the landscape) of approximately 5 percent, while lek persistence in areas without oil and gas development would be expected to average approximately 85 percent. Impacts from energy development occur at distances between 3 and 4 miles." …. "Impacts to leks caused by energy development would be most severe near the lek. Although most of the

[28] Prairie grouse leks and wind turbines: U.S. Fish and Wildlife Service justification for a 5-mile buffer from leks; additional grassland songbird recommendations. Manville, A.M., II (2004). Division of Migratory Bird Management, USFWS, Arlington, VA, peer-reviewed briefing paper. http://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/prairie%20grouse%20lek%205%20mile%20public.pdf

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Response(s)

SI1bc

A list of the relevant BLM RMPs is provided in Section 3.2.8.1.1.

The BLM acknowledges the importance of considering distance from leks and breeding density of sage-grouse when siting transmission lines. The BLM conducted an analysis of the distances between sage-grouse leks and the alternative routes and route variations and the breeding density of sage-grouse at leks within 4 miles of the alternative routes and route variations. This analysis is presented in Section 3.2.8.5.4 of the EIS.

The BLM conducted the analysis of potential effects on sage-grouse using the best available information, including information regarding impacts on leks. Direct and indirect effects on greater sage-grouse are described in Section 3.2.8.4.3 and are summarized in Tables 3-98 and 3-99. The Draft EIS concludes that residual impacts on sage-grouse would be high in priority habitats and within 4 miles of active leks and further discloses that impacts on sage-grouse could extend beyond the 4-mile lek buffer used for analysis (Refer to Section 3.2.8.5.4).

Under all alternative routes and route variations, design features and site-specific selective mitigation measures would be used to reduce the effects of the Project on sage-grouse. These measures are described in Section 3.2.8.4.3 and Table 3-102 of the Final EIS.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1bc impacts from energy development are indirect, some direct effects, such as flying into overhead power lines would also result from energy development and ROWs. Miles City DEIS/RMP at 4-135.

SI1bd Furthermore, the timing restrictions in the DEIS are also widely varying and could well pose a serious threat to nesting hens or those with foraging young. While there should be flexibility to incorporate local characteristics to fine-tune the window of protection (such as the addition of language, there should be a relatively consistent window of protections afforded to nesting and early brood rearing habitat. For example, in Wyoming, peak hatch generally occurs in early June and is followed by early brood rearing. Therefore, we strongly suggest that protections be extended until at least July 15 to be meaningful and maintain healthy future populations.

SI1be Our review of the DEIS identified Selective Mitigation Measures #6 and #14 which attempts to limit impacts by avian predation through tubular tower designs and anti-perching devices, respectively, as the only mitigation measure for focused on reducing impacts to GRSG during the operation phase of the proposed Project (DEIS pages 3-444 and 3-445). The remaining *protective stipulations apply primarily to the development-specific time-frame. Instead, we urge that protections be extended into the operations and maintenance periods*. Lander RMP FEIS notes that "wildlife seasonal protections from surface-disturbing and disruptive activities apply to maintenance and operations actions when the activity is determined to be detrimental to wildlife." FEIS at 117. This is an important timing due to the longer period of time associated with maintenance and operations actions, beyond the usual development-specific stipulations. BLM supports this in the Lander RMP FEIS, "Beyond initial exploration (including geophysical activities), land clearing, and aboveground facility construction, continued human disturbance to special status wildlife could occur from activities such as equipment maintenance and site operations, which are especially disruptive during sensitive times (wintering, breeding, and nesting)." FEIS at 931. The Miles City Draft RMP noted that in areas where development occurred, "there would be no restrictions to operation and maintenance activities, *which would potentially result in the reduction or extirpation of populations*." DEIS at 4-134 (emphasis added).

SI1bf The current protections proposed for adoption includes NSO stipulations as a means of protection for grouse. However, *NSOs are subject to exceptions, waivers and modifications*. If these can be applied to NSOs , this *fails to meet the regulatory certainty being sought by USFWS*, which is extremely concerning given the importance of this habitat to grouse persistence in the planning area. If waivers, exemptions and modification are allowed then the BLM should set up a process that allows the public to comment when these actions are considered.

iii. Noise

SI1bg The GWS DEIS fails to adequately address *noise* impacts. While the DEIS states that Executive Order protections are to be incorporated, it is unclear if this is only for Wyoming or across the entire route. Also new research should be considered, as there is a broad-based Wyoming Sage-Grouse Implementation Team committee that is currently investigating noise impacts. Facilities that produce continual noise can affect the breeding vocalizations of greater sage-grouse.

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Response(s)

SI1bd Recommendation noted. The Project must comply with the plan requirements of each field office and any relevant conservation plans or agreements. Different field offices have different landscapes, resources, and resource uses; thus different resource management needs. Thus, some management prescriptions, such as the timing restrictions, differ between plans.

The Applicant will be engaged in on-going coordination with the agencies during project development and may extend timing restrictions in site-specific areas based on agency recommendations.

SI1be Seasonal and spatial plant and wildlife restrictions would apply to all surface-disturbing or disruptive activities associated with construction, operation, and maintenance of the Project, unless an exception to the stipulation were granted by agency personnel, in accordance with agency policy or land use plans, in certain areas to avoid or reduce impacts on wildlife. This requirement was described in Table 2-13 of the Final EIS. Additional text has been added to Section 2.4.7 to clarify this requirement.

Protections to sage-grouse extended to the operations and maintenance periods as part of the Projects' design features of the Proposed Action are listed in Table 3-102 and include: alteration of placement of roads or towers (Design Feature 3), construction to avian-safe design standards (Design Feature 4), seasonal restrictions (Design Feature 6), vehicle access restriction (Design Feature 26), construction activity access restriction (Design Feature 27), personnel instruction (Design Feature 28), hazardous material restrictions (Design Feature 30), and vehicle speed limit for overland travel (Design Feature 39).

SI1bf The BLM has clearly indicated the agency's consideration of granting waivers, exemptions, and modifications to various stipulations in BLM RMPs in the EIS. BLM NEPA regulations do not require the BLM to allow public comment on subsequent consideration of individual waivers, exemptions, and modifications.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1bg

Continuous noise from industrial facilities, such high voltage transmission lines and substations, close to active greater sage-grouse leks would interfere with male greater sage-grouse strutting behavior which could reduce the reproductive success of greater sage-grouse using these leks. The BLM does note in the Gateway West FEIS, "construction-related noise and dust disturbance would occur during construction, which could potentially make habitat within the immediate vicinity of the activity temporally unsuitable for this species." FEIS at 3.11-65. We strongly recommend that *BLM carefully review and incorporate new research* which relates to noise impacts on grouse, as these are suggesting threats to sage-grouse population viability – through abundance, stress levels, and behavior [29]. In the recently released Miles City Draft RMP, BLM recognizes the impacts of noise, "Movements associated with oil and gas wells, noise associated with disruptive activities and compressor stations, vehicle use, and human presence would impact numerous wildlife species indirectly, including sage grouse. Sage-grouse numbers on leks within approximately 1 mile of compressor stations would contain lower numbers than leks greater than 1 mile from compressors. Male attendance at leks would be expected to be reduced when subjected to the current standard noise limitation of 50 decibels at the lek site." Miles City DEIS/RMP at 4-135.

iv. Winter Range/Concentration Areas

SI1bh

Because GRSG are designated as special status species, the species' distribution, key habitat areas, and special management needs should be identified in the FEIS. Winter habitat, including concentration areas, were referenced in the TWE DEIS document (DEIS 3.8-14): "In years with severe winter conditions (i.e., deep snow), greater sage-grouse often gather in large flocks in areas with the highest quality winter habitat. It is suggested that high quality winter habitat is limited in portions of the greater sage-grouse's range (Connelly et al. 2000). Wintering habitat for greater sage-grouse has been defined for populations in Colorado and Utah, and is currently being defined for populations in Wyoming (WGFD 2012)" and (DEIS 3.8-60) "Marking would be prioritized in areas near leks, in winter concentration areas …" As noted above, there is a *wide range of timing protections across the field offices*. It is poorly addressed in the GWS DEIS.

SI1bi

In addition to developing some consistency through the RMP amendments, the GWS DEIS itself needs to be improved. *It fails to identify (through mapping) and assess the spatial distribution/acreage of current winter habitat for sage grouse and its current quality*, especially as this latter will likely drive selection of appropriate protective measures and prioritize restoration activities. The Governor-appointed Wyoming Sage-grouse Implementation Team recently commissioned the Wyoming Chapter of the Wildlife Society, a non-profit organization of wildlife biologists, to review current protocol for identifying and mapping sage-grouse winter concentration areas. This report would be helpful for consideration in BLM's efforts going

[29] Blickley, J.L., D. Blackwood, and G.L. Patricelli. 2012. Experimental evidence for the effects of chronic anthropogenic noise on abundance of greater sage-grouse at leks. Conservation Biology 26(3):461-471. Blickley, J.L. and G.L. Patricelli. 2012. Chapter 3: potential acoustic masking of greater sage-grouse (Centrocercus urophasianus) display compnents by chronic industrial noise. Ornithological Monographs 74: 23-35.

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Response(s)

SI1bg

Noise impacts on sage-grouse are addressed in Section 3.2.8.4.3.

Noise was identified as a direct and indirect effect in the construction and operation phases of the Project in Tables 3-98 and 3-99. Also, in Table 3-100, noise is identified as a potential direct effect of the Project that would contribute to (1) the present or threatened destruction, modification, or curtailment of sage-grouse habitat or range; and (2) disease and predation. These effects are described in more detail in the sections titled Disturbance to Sage-grouse and Disruption of Breeding Activities due to Increased Human Presence and Noise at Lek Locations; Disturbance to Sage-grouse During Nesting, Breeding, and Wintering Periods Resulting from Human Presence, Vehicle Use, and Noise During Construction and Maintenance; Disease and Predation; Disruption of Sage-grouse Nesting and Breeding Activities; and Sage-grouse Avoidance of Habitat Due to Human Presence Resulting from Pubic Use of New Access Routes.

Wyoming Executive Order 2011-5 outlines the management of greater sage-grouse in the state of Wyoming. The regulatory framework pertinent to sage-grouse in Colorado and Utah is provided in Section 3.2.8.1.1.

SI1bh

The analysis in the Final EIS has been revised to incorporate additional information regarding winter habitats, where available. Under all alternative routes and route variations, design features and site-specific selective mitigation measures would be used to reduce the effects of the Project on sage-grouse. These measures are described in Section 3.2.8.4.3 and Table 3-102 of the Final EIS.

SI1bi

The BLM conducted the analysis of potential effects on sage-grouse using the best available information, including information regarding the location of priority habitats. The analysis has been revised to incorporate additional information regarding winter and brood-rearing habitats, where available. The referenced report was reviewed, though BLM is not responsible for identifying and mapping sage-grouse habitats.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1bi

forward[30]. *The protocol proposed within this report may be helpful to the BLM when developing a defensible protocol for identifying and mapping sage-grouse winter concentration areas*.

SI1bj

Because of the importance of this habitat to grouse, we suggest protection for these areas based on what has been presented in the Lander FEIS/RMP (Record # 3006): "In identified greater sage-grouse winter range, *vegetation treatments should emphasize strategically reducing wildfire risk* around or in the winter range and maintaining winter range habitat quality."

v. Fences

Fences are poorly addressed in the GWS DEIS. Fencing can be an obstacle or potential hazard to special status wildlife species by concentrating livestock, adversely impacting vegetation and fragmenting habitat. In relation to sage-grouse, the addition of new fences further fragments the landscape, provides potential collision points, and provides perching opportunities for raptors – all detrimental to sage-grouse. In addition to fence surveys in the Lander and Rock Springs Wyoming BLM Field Office areas showing that Greater Sage-grouse can be injured or killed as a result of flying into fence wires (Lander RMP FEIS at 969), a Utah study[31] found that 18% of sage-grouse deaths were due to fence collisions. A 2009 WGFD report examined sage-grouse mortalities near Farson and found that sage-grouse fence diverters reduced sage-grouse fatalities by 61 percent[32].

SI1bk

While transmission lines are not generally associated with fences, construction of large vertical structures will likely result in behavioral changes by grouse. Therefore, BLM should require monitoring of fences in the areas adjacent to the line to determine locations where collisions are occurring. We suggest that the proponent *target fence-related mitigation to needed areas – specifically, remove or mark identified wildlife hazard fences that are adversely affecting wildlife where opportunities exist*. This option was provided in the Miles City Draft RMP, **"**Fences in high-risk areas (based on proximity to leks, lek size, and topography) would be removed, modified, or marked to reduce outright sage-grouse strikes and mortality." DEIS at 2-49.

vi. Riparian/Wetland Areas

The BLM's objective for managing riparian and wetland habitats should be to maintain, restore, or improve riparian areas to achieve a healthy and productive ecological condition that provides benefits and values within site capability. Wetland and riparian areas are unique and among the most productive and important ecosystems. Although comprising only a small percentage of the BLM lands, they affect most other resources and values. Given the high value of these areas for a

[30] This report can be downloaded at http://wgfd.wyo.gov/web2011/Departments/Wildlife/pdfs/SGIT_051513_WYTWSAREAREPORT0004118.pdf

[31] Danvir, R.E. 2002. Sage grouse ecology and management in Northern Utah sagebrush-steppe. Deseret Land and Livestock Ranch and the Foundation for Quality Research Management, Woodruff, UT. ftp://ftpfc.sc.egov.usda.gov/WY/Sage%20Grouse/Ecology%20of%20Northern%20Utah%20sage%20grouse.pdf

[32] Christiansen, T. 2009. Fence marking to reduce greater sage-grouse (*Centrocercus urophasianus*) collisions and mortality near Farson, Wyoming – Summary of interim results. Wyoming Game and Fish Department, Cheyenne, WY.

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Response(s)

SI1bj

The Project must comply with the plan requirements of each BLM field office and any relevant conservation plans or agreements. Different BLM field offices have different landscapes, resources and resource uses; thus, different resource management needs. Thus, some management prescriptions, such as the distance of protective buffers around greater sage-grouse leks, differ between plans. Varying requirements are accommodated in the study methodology and analysis presented in the EIS.

SI1bk

A Biological Resources Task Group was established for the Project and includes representatives from the state wildlife agencies. Project alternative routes and route variations and selective mitigation measures were developed in coordination with the Biological Resources Task Group. Collision areas would be addressed as adaptive management. Also, the HEA process will address all appropriate measures.

Fence removal and marking with flight diverters are listed as a potential habitat restoration and mitigation tool in Table D1 of Exhibit F2 in Appendix K.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

variety of resources, all aspects of riparian and wetland area inventory, monitoring, and management will involve a multidisciplinary effort. The impacts of a high voltage transmission line traversing the landscape should be considered and appropriately managed.

Riparian-wetland areas are a component of brood-rearing habitat for greater sage-grouse because they provide needed forbs and insects necessary for chick survival. Actions that improve riparian-wetlands improve habitats for special status wildlife species, especially increasing the quantity and quality of riparian-wetland vegetation and insects, are critical for sage-grouse.

SI1bl Therefore, we encourage the following as riparian/wetland habitat was inadequately addressed in the DEIS. The Rawlins Field Office had protections to only 500 feet of riparian and wetland areas while the Salt Lake Field Office extended protections out to 1,200 feet. We propose strengthening these: *Surface disturbing and disruptive activities should be prohibited within 1,329 feet (0.25 mile) of riparian habitats and 100-year floodplains* where mapped. Where unavoidable, the "crossing-specific plans" should include specific language that addresses the *avoidance of introducing or expanding invasive nonnative species*. Treatment to address INN species is expensive and with uncertain success at best. It involves highly disruptive management with potential for adverse impacts to greater sage-grouse. With limited budgets available for pest treatments, we encourage the BLM to emphasize reducing the likelihood of spread through management actions such as requiring washing of vehicles and limited surface disturbance. This latter suggestion applies to the *entire project area*, not just riparian areas.

vii. Monitoring and Enforcement

SI1bm The efficacy of many of the proposed mitigation measures are unknown. Therefore, these should be monitored to not only enable the proponent to modify actions where able but also to broaden our collective knowledge and thus minimize impacts from other proposed high voltage transmission lines. Obligations should be enforced and reports made publically available, thus improving public confidence in the evolving process and management of public/private lands.

viii. Off-site Mitigation

This project comes at a critical time for the conservation of GRSG. This "warranted but precluded" candidate species requires management and protection focused on ensuring local conservation success, in conjunction with an overall strategy to incorporate indirect and cumulative effects and to provide for rangewide persistence for the species. The adoption of objective methods based on the most complete and current science is the key component of such a strategy. Our organizations collectively stress that *avoidance of critical habitat and minimizing disturbances should occur before compensatory mitigation*. Where appropriate, effective off-site mitigation strategies will be an important tool to consider in management of GRSG. We are optimistic that *refinement of HEA for sage-grouse can lead to sound development with lasting conservation benefits* (see previous section addressing the HEA*)*.

SI1bn *Identification of appropriate sites for off-site mitigation for GRSG is critical*. This species has an unprecedented amount of data that has been examined in recent years, which can serve as valuable tools in *identifying and prioritizing potential locations*. A comprehensive spatial analysis is needed to determine either (1) those areas where a critical habitat component is

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SI1bl The Project must comply with the RMP requirements of each BLM field office. Different BLM field offices have different landscapes and resources and, therefore, different resource management needs. Thus, some management prescriptions, such as the distance of protective buffers around wetland and riparian areas, differ between RMPs. Varying requirements are accommodated in the study methodology and analysis presented in the EIS. The BLM believes the design features the Proposed Action for environmental protection (refer to Design Feature 34 in Table 2-8) adequately address vehicle washing. In addition, the POD will include a Noxious Weed Management Plan to be developed in coordination with cooperating agencies and finalized for the selected route before construction may proceed that includes noxious weed control measures in accordance with existing regulations and BLM and USFS requirements. Control measures will be based on species-specific and site-specific conditions (e.g., proximity to water or riparian areas, agricultural areas, and season) and will be coordinated with the BLM or USFS Authorized Officer or his/her designated representative, project managers, the compliance inspection contractor (CIC), and the construction contractor's weed management specialist. The Noxious Weed Management Plan will be based on the principles and procedures outlined in the BLM Integrated Weed Management Manual 9015 and Forest Service Noxious Weed Management Manual 2080.

SI1bm See response to Comment SI1n.

SI1bn The Applicant will work with the agencies and stakeholders to identify mitigation projects that may be used to compensate for the permanent and interim losses of habitat services. All mitigation projects would be subject to appropriate land management agency or landowner approval, permits, and planning.

Potential areas identified as locations for off-site mitigation will be evaluated using variables identified in the peer-reviewed literature as representative of sage-grouse habitat. Habitat service levels are intended to reflect both the quality of the habitat and the ability of the birds to use the habitat (refer to Appendix A of Exhibit F2 in Appendix K).

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1bn

missing or (2) those areas that support large populations of sage-grouse and are at high risk for wildfire, invasion of cheatgrass, or other threats. In 2010, Doherty et al. developed a scientifically valid range-wide conservation planning tool based on density of males on leks. This has been subsequently recognized as a valuable tool by USFWS, BLM, and state agencies. States have also begun to prioritize GRSG habitat. In 2012, the Nevada Department of Wildlife published its sage-grouse habitat categorization analysis, which delineated five classes of sage-grouse habitat ranging from essential/irreplaceable habitat to unsuitable habitat, and which can be used to direct mitigation and conservation efforts within Nevada. Our organizations refer the BLM to the USGS Summary Report[3], specifically Section IV (Factor D: Policies and Programs Affecting Sage-Grouse Conservation) for a more detailed review of existing state programs that could assist in identifying and prioritizing mitigation opportunities.

SI1bo

The benefits for off-site mitigation should not only be considered for an individual species. Although this is paramount when considering methods to off-set direct impacts to a specific species, but to other species and Lands with Wilderness Characteristics, as opportunities arise. Bird Habitat Conservation Areas have been identified by state partners as places where the "best opportunity exists for effective conservation activities" (TWE DEIS 3.7-9). These have even been grouped into three categories of priority, which are broadly defined but not illustrated within the DEIS. As these are specified as being prioritized as areas for potential compensatory mitigation within the GWS Avian Protection Plan, more information is needed on the prioritization of the three habitat categories.

e. Ensuring Management Options Going Forward Through Identifying Refugias or Strongholds

Commenced in 2011, BLM's comprehensive National Planning Strategy focuses on developing and implementing GRSG conservation policies across the bird's range are one of the highest level species recovery efforts in the history of the western United States. The BLM's emphasis for protecting and managing GRSG habitat incorporates the following principles:

1) Protection of unfragmented habitats;
2) Minimization of habitat loss and fragmentation; and
3) Management of habitats to maintain, enhance, or restore conditions that meet Greater Sage-Grouse life history needs.

A December 2011 meeting of top federal and state stakeholders on GRSG, including Wyoming Governor Matt Mead and Department of Interior Secretary Ken Salazar, resulted in the formation of a "Sage-Grouse Task Force (Task Force) chaired by Governors Mead (WY) and Hickenlooper (CO) and the Director of the BLM." The Task Force tasked USFWS "with the development of conservation objectives for the sage-grouse." The result is the Sage-Grouse Conservation Objectives Team Draft Report (COT Report)[33], published in February 2013, which also supports protecting key habitats through "an avoidance first strategy" to retain management options:

[33] U.S. Fish and Wildlife Service. 2013. Greater Sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report. U.S. Fish and Wildlife Service, Denver, CO. February 2013.http://www.fws.gov/mountain-prairie/species/birds/sagegrouse/COT/COT-Report-with-Dear-Interested-Reader-Letter.pdf

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SI1bo

Recommendations regarding the location of potential off-site mitigation are consistent with BLM and USDI mitigation policies and will be considered during development of any potential mitigation. Off-site mitigation being considered by the BLM and relevant regulations and policies are described in in Appendix E (BLM Mitigation Guidance), Appendix K (Sage-grouse Compliance) and Section 3.2.9 (migratory birds) of the Final EIS.

Comprehensive review of off-site mitigation sites is not within the scope of the Final EIS.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

In light of these significant uncertainties, impacts to sage-grouse and their habitats should be avoided to the maximum extent possible to retain conservation options. This approach will ensure that potentially unidentified key components to long-term viability of sage-grouse are not lost, and that management flexibility and the ability to implement management changes will be retained as current information gaps are filled. *Implementing an avoidance first strategy should reduce or avoid continuing declines of sage-grouse populations and habitats, as well as limit further reduction in management and restoration options*. (USFWS 2013 at 31, emphasis added)

SI1bp The best way to protect the most valuable and essential remaining habitat and further recovery goals is to provide assured protections to the most important remaining sage-grouse habitat. *These lands should be identified and protected with prioritization afforded to 1) core/priority habitats lands, 2) adjacent or stand-alone habitat where large intact blocks remain, (including those in non-core habitat), and 3) the special habitat types which may be limited within a given area (breeding, nesting, brood-rearing, winter, and connectivity habitats).*

Multiple-use management does not "mandate" allowing all uses on all lands. BLM retains the discretion to prioritize, weigh various resource mixes, and choose between various multiple uses throughout the project planning area. Because so much of GRSG eastern has already been leased for energy development and subsequently fragmented, BLM needs to aggressively pursue avoidance where that proven strategy remains available.

f. Candidate Conservation Agreement (CCA)/Candidate Conservation Agreement with Assurances (CCAA)

SI1bq As with APPs, we request clarification on opportunities for public comment and engagement on the content of the CCAs/CCAAs.

g. Feasibility of Removing, Burying, or Modifying Existing Power Lines within Priority GRSG Habitat

SI1br The BLM is instructed by BLM IM 2012-044 to incorporate conservation measures identified in the Sage-grouse National Technical Team Report, created in 2011. One of the NTT conservation measures related to ROWs includes evaluating the feasibility of removing, burying, or modifying existing power lines within priority GRSG habitat. The DEIS does discuss this briefly in Chapter 2, however dismisses from further consideration "because this alternative was not economically feasible" (DEIS p. 2-125). Our organizations respectfully request consideration and analysis be provided for burying distribution lines associated with GWS, as well as modifying existing power lines. These actions would reduce, and in some instances eliminate, perching opportunities for avian predators and collision risks for GRSG. These analyses are not meant for the entire length of the line but for critical areas of concern. Some technologies (i.e. crosslinked polyethylene cables, superconductors, elpipes, etc.) are mechanically robust options for burial. While distances are generally short, advances are being made. In Connecticut, the Middletown-Norwalk project broke ground in 2006 and buried 345-kV over 26 miles.

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Response(s)

SI1bp As described in Appendix K, BLM is collaborating with the Applicant and other cooperating agencies to develop a sage-grouse compensatory mitigation plan. Providing protections to existing sage-grouse habitats is one strategy being considered as an element of this plan.

SI1bq The EIS does not reference development of any Candidate Conservation Agreements or Candidate Conservation Agreements with Assurances, and the BLM does not anticipate that any of these agreements will be developed in association with the Project. Compliance with the Endangered Species Act will be achieved through agency-to-agency consultation under Section 7 of the Endangered Species Act.

SI1br In general, burying a transmission line could have greater environmental effects or would involve a trade-off of resource impacts. The Applicant considered a range of technologies and considers the project description to reflect the best available technologies. Undergrounding the transmission line was considered and eliminated, as explained in Section 2.6.1.4 of the Final EIS.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

X. Golden Eagles and Raptors

a. Protective Stipulations

Raptors are sensitive to environmental disturbance and occupy an ecological position at the top of the food chain; thus, they act as biological indicators of environmental quality. The nesting season is considered the most critical period in the raptor life-cycle because it determines population productivity, short-term diversity, and long-term trends. Therefore serious attention should be paid to the raptor buffers as all raptors are protected under the Migratory Bird Treaty Act. *Raptor nest protective buffers* (surface-disturbing and disruptive activities subject to seasonal limitations) proposed are inconsistent across the project and inadequate, as was noted for Greater Sage-grouse. Any activity that disrupts breeding, feeding, sheltering, and roosting behavior and causes, or is likely to cause, nest abandonment or reduced productivity is considered disturbance and is a violation of BGEPA. We encourage the BLM to adopt the following protections - prohibiting surface-disturbing activities within *1 mile of Golden Eagle (GOEA) nests and 1 mile for Ferruginous Hawk nests*. Our organizations support the specificity of "nests active within the past 7 years" and the inclusion of winter roost sites. We *recommend 1 mile buffer for all other raptors nests* as well (BLM Special Status Raptors – Burrowing Owl, Swainson's Hawk, Peregrine Falcon, and Northern Goshawk). SI1bs

The USFWS (USFWS 2002a) identifies courtship, nest construction, incubation, and early brooding as higher risk periods in the life-cycles of raptors when adults are more prone to abandon nests due to disturbance. The USFWS (USFWS 2002a) also indicates that human activities resulting in disturbance to raptors can cause population declines. Therefore, seasonal restrictions and buffers around nest sites are intended to minimize disturbance to GOEA. We recommend that *year-round exclusion areas* also be considered for use, if circumstances require.

b. Golden Eagles

Golden eagles (GOEA) are protected under two major forms of federal legislation, the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA), and under increasing federal scrutiny with uncertain population levels. Based on the USFWS' analysis of populations across the nation, there is no safe allowable take level for GOEA; however, take is likely unavoidable with transmission project of this magnitude and in this location. Use by GOEA is not surprising as the application area contains native shrubland and grassland communities, as well as natural landscape features, that provide foraging and nesting opportunities sought by this species. In reviewing and commenting on the GWS DEIS, our organizations recommended that the BLM *develop a supplemental GOEA document for public review and comment*. Given the growing concern for these majestic birds, especially related to mortalities associated with wind farms and expanding transmission infrastructure, any development *decisions that will impact GOEA must be placed within a regional population context* much larger than the area immediately surrounding any proposed transmission project. In addition, *areas out 10 miles from the application area should be evaluated*. *Adequate buffers for GOEA should be in place and monitored to evaluate effectiveness*. Compensatory mitigation for retrofitting of lethal power poles in the region should be considered for the first five years of SI1bt

Response(s)

SI1bs

Due to the large size of the Project area and associated variations in local climate, the chronology of raptor nesting activities is variable from site to site and area to area. Raptor nest spatial buffers and seasonal restrictions incorporated into the EIS represent the recommendations of regulatory agencies responsible for protection of raptors (i.e., FWS) in each of the three states crossed.

The comment incorrectly implies that the cited types of disturbance would result in a violation of the Bald and Golden Eagle Protection Act for any raptor species. Regardless, the EIS contains the spatial and seasonal protections recommended by the FWS for each of the species identified in the comment.

SI1bt

The analysis recommendations referenced in this comment are typical for industrial-scale wind energy developments where the NEPA analysis conducted for those projects predicted a clear risk to eagles, including a high probability of mortality. For this project, BLM's NEPA analysis did not find that mortality or take of eagles was likely under any of the alternative routes and route variations. Thus, the analysis presented in the EIS is appropriate for the identified risk to eagles. The BLM has advised the Applicant of the company's responsibility to protect eagles and requested that the Applicant coordinate with FWS on this issue. The BLM is not aware of recommendations from FWS to reconsider the analysis conducted or to develop an eagle conservation plan for this project.

See also response to Comment SI1bs.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1bt operation. We note that spatial buffers for GOEA nests, as is done for Bald Eagles in most field office planning areas, should be 1.0 miles.

Attachments:

- Attachment 1 – Gateway West HEA comments
- Attachment 2 – WWEC Lawsuit Settlement Agreement
- Attachment 3 – Exhibit A to WWEC Lawsuit Settlement Agreement

Appendices:

- Appendix A – Wyoming: Detailed Analyses of Route Segments
- Appendix B – Colorado: Detailed Analyses of Route Segments
- Appendix C – Utah: Detailed Analyses of Route Segments

References:

Hanser, S.E., C.L. Aldridge, M. Leu, M.M. Rowland, S.E. Nielsen, and S.T. Knick. 2011. Greater Sage-Grouse: General Use and Roost Site Occurrence with Pellet Counts as a Measure of Relative Abundance Chapter 5 in S.E. Hanser, M. Leu, S.T. Knick, and C.L. Aldridge (editors). Sagebrush ecosystem conservation and management: ecoregional assessment tools and models for the Wyoming Basins. Allen Press, Lawrence, KS.

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Comment(s)		Response(s)
SI1	Audubon Rockies et. al (cont.)	

APPENDIX A:

Wyoming State Detailed Analyses of Route Segments

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

APPENDIX A: Wyoming State Detailed Analyses of Route Segments

While all of the routes would cause serious impacts to the environment, we have carefully outlined below the likely resources impacts of each route, with the goal of providing information to the BLM that identifies a route through Wyoming with the lowest environmental impacts. This information is based on local knowledge, independent mapping and analysis, site visits along the routes, and information from the DEIS. Based on our evaluations and the limited manner in which information is presented in the DEIS (see below), we have endeavored to identify the likely resource impacts of the alternative routes. Our groups will continue to examine these routes and welcome future opportunities to work with BLM to further refine the ultimate route selection.

SI1bu As noted in Section VII of our comments, the DEIS presents wildlife impacts by alternative route (see Table 3-108 in DEIS as example) rather than segments. This level of information aggregates impacts at too coarse of a spatial scale to allow reviewers to understand and evaluate the level of impact across the individual segments[1]. Given this, the manner in which wildlife impacts are presented in the *DEIS minimizes the ability of reviewers to provide feedback or guidance on routing combinations, severely minimizing the value of public engagement*. *Options presented in the DEIS are thus severely limited to those configurations presented, with no ability to craft unique combinations*. Our organizations strongly encourage this information be made available for all segments in the FEIS, to improve selection of a route with the least amount of resource impacts.

During our analysis of the DEIS, we noted the removal of the most westerly routes proposed in the scoping documents. We appreciate the BLM's recognition of the high number of negative impacts associated with additional development activities in that area.

SI1bv Based on our analysis of the DEIS and field investigations, the route with the lowest environmental impacts going through Wyoming traverses segments which comprise portions of Alternative Routes WYCO-D and WYCO-F (portions of which also encompass WYCO-B). These segments are W15, W21, W35, W36, W30, W32, W101, W125, W108, W107, W111, W121, W299, W300, and W321 (bolded below).

Segment W21 and W35 (BLM Preferred)

- Both W21 and W35 intersect Hanna Core Area, but utilizes the Executive Order 2011-05 (Greater Sage-grouse Core Area Protection) designated transmission corridor. South Rawlins Core Area is also just south of these segments.
- SI1bw Greater Sage-grouse (GRSG) 25% regional breeding density polygon[2] overlaps the eastern portion of segment W21 (indicating the highest density of breeding birds and of the highest conservation priority) and W35 almost entirely encompassed by 50%

[1] For example, wildlife impact analyses by segment would be especially helpful in comparing route segments. Having this information for all segments, which could be accomplished through GIS analyses of data already compiled for the DEIS, would provide more defensible justification for selected route segments and help identify mitigation opportunities.

[2] Doherty K.E., J.D. Tack, J.S. Evans, and D.E. Naugle. 2010. Breeding densities of greater sage-grouse: A tool for range-wide conservation planning.

SI1bu See response to Comment SI1a.

SI1bv Comment and route preference noted.

SI1bw Potential impacts in sage-grouse habitats under all alternative routes and route variations will be minimized through the application of the design features and selective mitigation measures (refer to Mitigation Planning and Effectiveness in Section 3.2.8.4.3 and Table 3-102). High residual impacts on sage-grouse habitat remaining after application of the design features and selective mitigation measures will be addressed via offsite mitigation as described in Appendix K.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1bw breeding densities. Given Core Areas and documented breeding densities, this segment warrants conservative management going forward to minimize impacts to grouse. [**See Figure WY-1 below**]

SI1bx
- These segments also includes numerous sightings of Ferruginous Hawks (WYNDD), which conservation management going forward to minimize impacts.

Segment W36, W30 and W32 (All Alternatives/BLM Preferred)
- *Lowest environmental impact*
- Already moderately disturbed and fragmented
- Intersects Greater South Pass Core Area, but utilizes the Executive Order 2011-05 (Greater Sage-grouse Core Area Protection) designated transmission corridor. South Rawlins Core Area is also just south of the segment. Greater Sage-grouse (GRSG) 25% regional breeding density polygon[3] overlaps the segment just east of the designated transmission corridor (indicating the highest density of breeding birds and of the highest conservation priority). Given Core Areas and documented breeding densities, this segment warrants conservative management going forward to minimize impacts to grouse. [**See Figure WY-1 below**]

SI1by

SI1bz
- Shamrock Hills Important Bird Area is 2.7 miles north of segment 30, causing concern about impacts to raptors. BLM will need strong mitigation/minimization efforts, especially as ferruginous hawk populations are declining. Options that should be considered by the BLM and the proponent include but are not limited to designation of an ACEC and conservation easements to benefit raptors. [**See Figure WY-2 below**]

  "*The area is known as one of the largest breeding grounds for ferruginous hawks in the western U.S. Other migratory birds known to utilize this IBA include golden eagle, burrowing owl, northern harrier, prairie falcon, American kestrel, great horned owl, and red-tailed hawk.*" (TWE DEIS p.3.7-27)

Segment W101 (BLM Preferred)
- *Lowest environmental impact*
- Continental Divide – Creston (CD-C) gas field (8,950 wells) overlaps this segment – already heavily disturbed.

Segment W102
- *Moderate environmental impact (but of concern due to where it leads)*
- Although this segment likely has a lot of disturbance already, concerned about route going south from here (into high environmental impact segments 60 & 70)
- CD-C gas field (8,950 wells) overlaps this segment– already heavily disturbed.

Segments W128 and W27
- *Moderate environmental impact (but of concern due to where it leads)*
- Although the northern portion likely has a lot of disturbance already, concerned about route south from here (segment W409 – high environmental impacts),
- CD-C gas field (8,950 wells) overlaps these segments

[3] Doherty K.E., J.D. Tack, J.S. Evans, and D.E. Naugle. 2010. Breeding densities of greater sage-grouse: A tool for range-wide conservation planning.

2 | Appendix A: WY Routes

SI1bx Comment and route preference noted. Potential impacts on raptors under all alternative routes and route variations will be minimized through the application of the design features and selective mitigation measures (refer to Mitigation Planning and Effectiveness in Section 3.2.8.4.3 and Table 3-102).

SI1by Comment and route preference noted. See response to Comment SI1bw.

SI1bz See response to Comment SI1bx.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

- GRSG 75% regional breeding density polygon[1] overlaps the segment (indicating high density of leks and breeding birds and of high conservation priority) [**See Figure WY-1 below**]

Segment W409

- *Highest environmental impact* – sage-grouse, Adobe Town CPWA, Powder Rim IBA
- CD-C gas field (8,950 wells) overlaps northern end of this segment
- GRSG 75% regional breeding density polygon[1] overlaps the northern end of this segment (indicating high density of leks and breeding birds and of high conservation priority) [**See Figure WY-1 below**]
- Adobe Town CPWA abuts the segment, to the west

SI1ca

- Powder Rim IBA overlaps southern end of segment [**See Figure WY-2 below**] … this is also a concern for Segment W113 (and Segment W116, as it leads south to W113). "*Because juniper habitat is limited in Wyoming, the bird community at Powder Rim IBA is unique and has significant conservation value. The juniper woodlands have been shown to support greater bird species diversity than the surrounding shrubland habitat." (TWE DEIS p.3.7-26)*

Segment W125, W108, W107 (BLM Preferred)

- *Lowest environmental impact*
- Through CD-C gas field (8,950 wells), heavy drilling activity on both sides (DEIS Figure 3.2-5)
- Near a graded roadway (Wamsutter-Dad road) most of the way to Dad, already disturbed and fragmented, but veers away to the south from this road toward southern end of segment

SI1cb

- ➔ To connect to W111, suggest have a connection that is above Muddy Creek Wetlands IBA (previously W112 and W115 were options presented in Scoping, however these run through the IBA and are problematic)
  - Muddy Creek Important Bird Area overlaps northern end of this segment, on *both sides* of the segment. These wetlands contain high conservation value. [**See Figure WY-2 below**]
    "Hundreds of species of waterbirds, shorebirds, and waterfowl from both the Pacific and Central flyways utilize the area for breeding and migration. The diversity of habitats provides an oasis for a large variety of bird species ... The wetlands support up to 50,000 ducks during migration and a host of breeding shorebirds." (TWE DEIS p.3.7-26)

Segment W120 (BLM Preferred) - Mexican Flats to Sand Creek Road

- *Moderate environmental impact* – sage-grouse and Muddy Creek wetlands
  - This segment overlapped by CD-C gas field (8,950 wells)

SI1cc

  - GRSG 75% regional breeding density polygon[1] overlaps the southern half of this segment (indicating high density of leks and breeding birds and of high conservation priority) [**See Figure WY-1 below**]

SI1cd

  - Concerned that being near HWY 789, while not adjacent to it (which would be preferable), widens impact corridor

3 | Appendix A: WY Routes

SI1ca See response to Comment SI1bw.

SI1cb Comment and route preference noted. The analysis of potential effects on migratory birds has been updated in Section 3.2.9 of the Final EIS. It includes references to important bird areas (IBA) and discloses potential impacts on the Muddy Creek Wetlands IBA.

SI1cc See response to Comment SI1bw.

SI1cd Comment and route preference noted.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

- Muddy Creek Important Bird Area overlaps northern end of this segment, on *both sides* of the segment. These wetlands contain high conservation value. [**See Figure WY-2 below**]

"Hundreds of species of waterbirds, shorebirds, and waterfowl from both the Pacific and Central flyways utilize the area for breeding and migration. The diversity of habitats provides an oasis for a large variety of bird species ... The wetlands support up to 50,000 ducks during migration and a host of breeding shorebirds." (TWE DEIS p.3.7-26)

Segment W116 and W113

- Request clarification and specific analysis from BLM on potential raptor impacts
- *Highest environmental impact* – unfragmented, low level of existing disturbances
- Very concerned about southern end of this segment (segment W113). While northern end is overlapped by CD-C gas field (8,950 wells), just south of Mexican Flats the segment traverses rugged terrain that is currently not developed. Anticipated impacts include habitat fragmentation through undeveloped landscape, substantial visual impacts, soil erosion, and potential for raptor conflicts.

SI1ce

Segment W111 - Mexican Flats to Sand Creek Rd. along Hwy 789 corridor

- *Moderate environmental impact* – sage-grouse and Muddy Creek wetlands
- Runs parallel to Highway 789, in landscape already fragmented by gas development and power lines
- To avoid additional cumulative impacts to Muddy Creek Wetlands and to avoid isolating Muddy Creek between two linear forms (highway and transmission) of disturbance and obstruction., request having transmission line run along eastern side of the highway.

SI1cf

- Muddy Creek crosses the northern section of this segment and runs parallel to it for the remainder of the segment. Muddy Creek IBA overlaps northern end of this segment, along western edge (high conservation value - see text above). [**See Figure WY-2 below**]
- Project corridor encompasses at least 2 GRSG leks, GRSG 75% regional breeding density polygon[1] overlaps most of this segment (indicating high density of leks and breeding birds and of high conservation priority) [**See Figure WY-1 below**]

SI1cg

Segment W121, W299, W300, W321

- *Low environmental impact*

Segment W124 (BLM Preferred)

- Request clarification and specific analyses from BLM of potential impacts of this segment on raptors, other avian species, and big game species related to juniper upland habitat
- *Highest environmental impact* – sage-grouse, low level of existing disturbances on landscape (minimal habitat fragmentation), significant visual impacts
- Runs along or near Sand Creek road
- Not within any existing oil and gas fields (see DEIS Figure 3.2-5)
- Minimal existing disturbance
- Minimal existing habitat fragmentation
- Project corridor encompasses at least 4 GRSG lek sites

SI1ch

4 | Appendix A: WY Routes

Response(s)

SI1ce

Specific impacts on raptors along Alternative WYCO-B are discussed in Section 3.2.8.5.4 and summarized in Table 3-106. Specific impacts on raptors along route variations are discussed in Appendix F.

SI1cf

Comment and route preference noted. The impact assessment methodology and types of potential impacts on wetlands are discussed in Section 3.2.4 of the Final EIS. Any wetlands or waterways crossed by the Project would be delineated before construction and any impacts on U.S. Army Corps of Engineers jurisdictional features would be subject to Section 404 of the Clean Water Act (refer to Water Resources Regulatory Framework, Section 3.2.4.1.1). Additionally, under Design Feature 33, surface-disturbing activities within 328 feet (100 meters) of riparian areas (including wetlands, stream banks, and shores of ponds or lakes) in Utah or Colorado would be required to meet exception criteria as defined by the BLM. In Wyoming, surface-disturbing activities within 500 feet of all wetlands and waterways would also be required to meet exception criteria in association with the BLM Rawlins Field Office RMP (BLM 2008).

The analysis of potential effects on migratory birds has been updated in Section 3.2.9 of the Final EIS. The revised analysis discloses potential impacts on IBAs, including the Muddy Creek Wetlands IBA.

SI1cg

Impacts on greater sage-grouse along Alternative WYCO-D and route variation are discussed in Section 3.2.8.5.4 and summarized in Table 3-105. The analysis of potential effects on migratory birds has been updated in Section 3.2.9 of the Final EIS. It includes references to IBAs and discloses potential impacts on the Muddy Creek Wetlands IBA.

SI1ch

Potential direct and indirect effects on wildlife species are assessed in the following sections: Raptors-Section 3.2.7.4.3, under the heading Raptors; Migratory birds-Section 3.2.9, under the heading Migratory Birds; Big game- Section 3.2.7.4.3, under the heading Big Game; Greater sage-grouse- Section 3.2.8.4.3, under the heading Special Status Upland Game Birds

Impacts for all resources are presented at the alternative route and route variation level rather than the segment level to allow a meaningful comparison of the alternative routes and route variations relevant to the decisions to be made. More information about the intensity of impacts along each segment considered in the EIS can be obtained by referring to Map Sets MV-7 through MV-12.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1ch

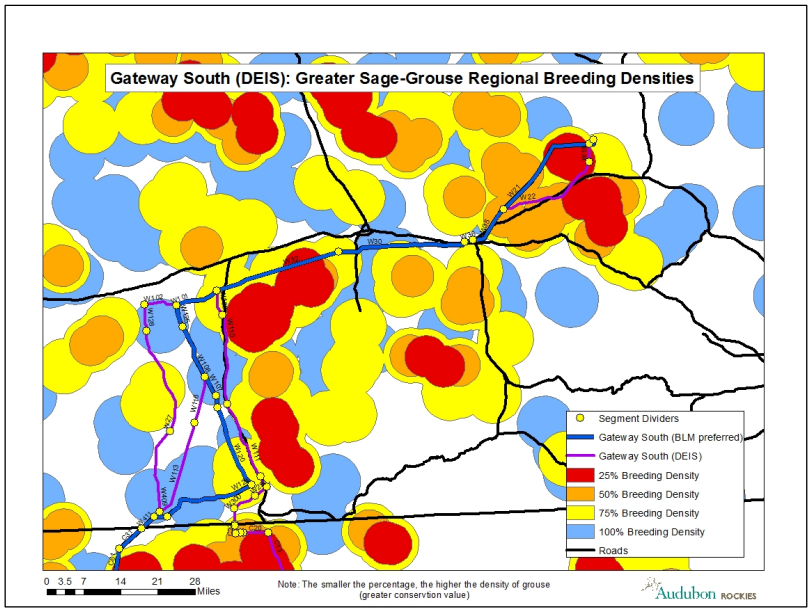
- GRSG 75% regional breeding density polygon[1] overlaps the eastern half of this segment (indicating high density of leks and breeding birds and of high conservation priority) [**See Figure WY-1 below**]

Segment W302 and W411 (BLM Preferred)

SI1ci

- *Highest environmental impact* – Powder Rim IBA, significant visual impacts, unfragmented habitat
- Segment entirely encompassed within the Powder Rim IBA (see text above) [**See Figure WY-2 below**]
- Virtually no existing disturbance or habitat fragmentation
- Significant visual impacts in a currently undeveloped landscape

Figure WY-1:



5 | Appendix A: WY Routes

Response(s)

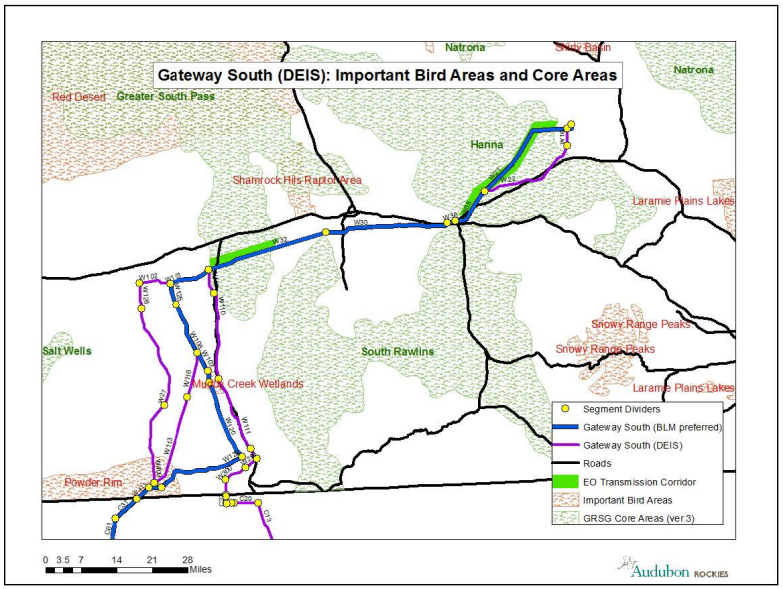
SI1ci Comment noted.

Comment(s)

Response(s)

SI1 | **Audubon Rockies et. al (cont.)**

Figure WY-2:



Comment(s)		Response(s)
SI1	Audubon Rockies et. al (cont.)	

APPENDIX B:

Colorado State Detailed Analyses of Route Segments

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

APPENDIX B: Colorado State Detailed Analyses of Route Segments

While all of the routes would cause serious impacts to the environment, we have carefully outlined below the likely resources impacts of each route, with the goal of providing information to the BLM that identifies a route through Colorado with the lowest environmental impacts. This information is based on local knowledge, independent mapping and analysis, site visits along the routes, and information from the DEIS. Our groups will continue to examine these routes and welcome future opportunities to work with BLM to further refine the ultimate route selection.

SI1cj The route as presented that provides for the least damaging effects to the environment is Alternative WYCO-D-1. In addition to this route following existing designated energy corridors as identified in the West-wide Energy Corridor EIS, focusing new development around the existing areas of disturbance along CO Highway 13 and U.S. Highway 40 where resource conflicts can be best avoided or mitigated and access for maintenance and monitoring is less arduous than the more remotely located preferred alternative.

SI1cj Comment and route preference noted.

Included in this analysis are the continued issues identified with the least environmentally damaging route (WYCO-D-1) and the most obvious and egregious problems with the applicant and agency preferred route.

I. Wyoming state line to Tuttle Easement Micro-Siting

Recommendation: BLM adopt WYCO-D-1 as the proposed action.

- Lowest environmental impacts of all alternatives presented.
- This route largely crosses lands that are already heavily impacted by exurban housing development, agricultural operations and other surface disturbing activities. This route, depending on final siting options within the analyzed corridors, could potentially impact small portions of the Little Yampa Canyon, Juniper Canyon and Crooked Wash Lands with Wilderness Character (LWC) units. However, with careful micro-siting, much of the impacts to these three LWC units could be averted. In comparison, the other routes analyzed would impact 8 LWC units and thousands of acres of wilderness quality lands, potentially causing irreparable harm to the wilderness characteristics of these units.
- SI1ck In addition to avoiding most potential impacts to LWC's, this route overlaps with designated West-wide Energy Corridors along Highway 13 and US Highway 40.
- Although impacts to wildlife habitat along Highway 13 route are significant, as a whole they are likely less impactful than the other two proposed routes, as this route segment parallels existing impacts for substantial portions of its length. The total impacts of this route are much to do with the fact that the length of the route is substantially longer than the other two alternatives. The applicant and agency-preferred routes are shorter in length but cross through higher quality habitat and significantly higher quality roadless lands.
- Lands with Wilderness Character: This route alternative has minimal impacts to lands with wilderness character with the two-mile ROW and 250 foot wide ROW impacting the

SI1ck Comments and route preference noted.

Comment(s)

Response(s)

SI1 — **Audubon Rockies et. al (cont.)**

SI1ck

Little Yampa Canyon, Juniper Canyon and Crooked Wash units. However, much of, if not all impacts could be mitigated through micro-siting.

SI1cl

- Greater sage-grouse: The route contains a significant amount of acreage of Preliminary Priority Habitat; including a number of lek sites; northern portion overlaps 25-75% regional breeding density. The project must take all steps to avoid siting towers and associated facilities within PPH and any and all surface disturbing and permanent structure should be managed in accordance with the NW CO Greater Sage Grouse EIS.
- Big Game: There is the potential for significant impacts to big game. Within the proposed route there are a number of migration corridors, particularly along the Highway 13 portion of the route. The Highway 40 section of the route traverses critical winter range for much of its length. The actual location of the line should be sited in close proximity to existing disturbances, such as the existing power line ROW. Construction and maintenance should be subject to timing limitations and coordination with Colorado Parks and Wildlife should be conducted to minimize impacts to big game species as well as hunting seasons. Finally, Baseline population data should be provided in order to inform the public, monitor impacts and judge the efficacy of mitigation measures.
- Columbian sharp-tailed grouse (CSTG): CSTG is a state species of concern in Colorado. For the State Highway 13 portion of this segment, CSTG impacts closely mirror those to Greater sage-grouse. We recommend that the same suite of protections and prescriptions applied to Greater sage-grouse be applied for Columbian sharp-tailed grouse. Baseline population data should be provided in order to inform the public, monitor impacts and judge the efficacy of mitigation measures.
- Bitterbrush State Wildlife Area: The Bitterbrush SWA contains some of the highest quality winter range for big game species in the state of Colorado. The SWA has existing disturbances via an existing transmission line and pipeline corridor. Special care must be made to location of the transmission line as well as monitoring the cumulative impacts of multiple disturbances and creating and implementing appropriate mitigation measures.

II. Tuttle Easement Micro-Siting

All routes appear to go through GRSG Preliminary Priority Habitat,

WYCO-D-1

- *Lowest environmental impact of the options*
- Follows existing transmission (250' separation distance)
- Co-location with Gateway South and Zephyr possible
- Lands with Wilderness Characteristics:
  - Crooked Wash: intersected by the two mile wide corridor and 250'ROW.
- Impacts to Tuttle conservation easement
  - Sage-grouse habitat: location of the route should avoid PPH to whatever extent possible.
  - Big Game: In addition to avoiding critical winter habitat, timing limitations on construction should be employed to lessen impacts to elk and mule deer.

SI1cm

2 **Appendix B: CO Routes**

SI1cl

Comment and route preference noted.

Potential impacts in sage-grouse habitats along all alternative routes and route variations will be minimized through the application of the design features and selective mitigation measures (refer to Mitigation Planning and Effectiveness in Section 3.2.8.4.3 and Table 3-102). High residual impacts on sage-grouse habitat remaining after application of the design features and selective mitigation measures will be addressed via offsite mitigation as described in Appendix K.

Potential direct and indirect effects on big game for Alternative WYCO D are addressed in Section 3.2.7.4.3 under the heading Big Game. Impacts on big game will be minimized through the application of the design features and selective mitigation measures listed in Table 3-80 (refer to Mitigation Planning and Effectiveness in Section 3.2.7.4.3).

The best available data was used to analyze impacts on Columbian sharp-tailed grouse. Population data are not collected by state wildlife agencies. Analysis of potential impacts on Columbian sharp-tailed grouse leks and winter habitat is included in Tables 3-106, 3-112, and 3-121 in Section 3.2.8.5. Potential impacts on Columbian sharp-tailed grouse will be minimized through the application of the Project's design features and selective mitigation measures (refer to Mitigation Planning and Effectiveness in Section 3.2.8.4.3 and Table 3-102).

SI1cm

Comment and route preference noted.

The importance of the Tuttle Ranch Conservation Easement for sage-grouse, white-tailed prairie dogs, and black-footed ferrets is discussed in Section 3.2.8.5.4, under the heading Affected Environment (Colorado). The importance of the Tuttle Ranch Conservation Easement for big game is discussed in Section 3.2.7.5.4, under the heading Affected Environment (Colorado).

Impacts on big game will be minimized through the application of the design features and selective mitigation measures listed in Table 3-80 (refer to Mitigation Planning and Effectiveness in Section 3.2.7.4.3). Impacts on sage-grouse, white-tailed prairie dogs, and black-footed ferrets will be minimized through the application of the design features and selective mitigation measures listed in Table 3-104 (refer to Mitigation Planning and Effectiveness in Section 3.2.8.4.3).

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1cm

- White-Tailed prairie dogs (WTPD)/Black footed ferrets (BFF): Prior to the impacts of plague, the Tuttle Ranch had a healthy and stable WTPD population, unlike many other expansive private land holdings in the region. This made the ranch not just suitable for future BFF re-introduction efforts, but ideal because of the ability to manage variables such as recreational shooting and off-highway vehicle use. Once WTPD populations recover, BFF releases will hopefully occur. Siting of the transmission line should be in cooperation with CPW in order to minimize or eliminate impacts to this WTPD population in order to facilitate recovery.

III. Criticism of WYCO-B and WYCO-B-2

SI1cn

Unlike the most recent similar proposal in the TransWest Express Transmission Project, the BLM and the applicant's preferred route's for Gateway South are nearly identical. Unfortunately, the route preferred by the agency and applicant is also the most damaging to wildlife, wilderness character and visual resources. Both WYCO-B and WYCO-B-2 would directly impact a minimum of eight (8) Lands with Wilderness Character units, fundamentally altering the landscape of the region. In the case of WYCO-B-2, there seems to be a explicit desire to degrade more of the public's resource in order to mitigate potential conflict with private property by creating a longer linear impact in two LWC units.

SI1co

In addition to disturbing a much higher level of LWC lands, WYCO-B and WYCO-B-2 would fundamentally impact a greater amount of sage grouse and sage grouse habitat by placing the transmission line in an area that is relatively free from human development where sage grouse habitat remains largely intact. While every single analyzed route that comes into NW Colorado will impact Greater sage grouse, WYCO-D-1 at least follows existing linear disturbance features (highways and existing transmission lines) instead of creating new disturbances and new vectors for predation and human disturbance.

The fact that neither the applicant or BLM have provided a concrete set of idea how to mitigate for the far-reaching impacts that the line will wreck on the landscape is disconcerting. While compensatory mitigation models like Habitat Equivalency Analysis and the CO Wildlife Habitat Exchange provide a framework for companies to utilize, BLM itself needs to mitigate the impacts created by its decisions. We believe that in conjunction with recent developments at DOI, that a framework has been identified as to how the plethora of impacts to wildlife and wilderness character might be potentially mitigated by the agency.

IV. Regional Mitigation Strategy

On April 4, 2014, the Department of the Interior (DOI) Energy and Climate Change Task Force released a report entitled "A Strategy for Improving the Mitigation Policies and Practices of The Department of the Interior" as directed by Interior Secretary Jewell's Secretarial Order 3330.

SI1cn Comments and route preference noted.

SI1co Comment and route preference noted.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

The report detailed landscape-level mitigation strategies to encourage dual objectives of smart development and conservation[1].

Listed as the number one priority in this strategy is the use of landscape-scale approaches, directing agencies to "Incorporate landscape-scale approaches into all facets of development and conservation planning, project review, and mitigation implementation."[2]

In addition to solidifying DOI's commitment to the mitigation hierarchy of avoid, minimize and mitigate, the strategy further clarifies the expected forms of compensatory mitigation including mitigation banking, condition of approval contingent mitigation, in-lieu fee mitigation and the associated scientific requirements for models.

As a whole, that strategy of compensatory mitigation currently largely follows the most commonly utilized model of proponent driven compensatory mitigation, reliant upon compensatory mitigation models such as the Habitat Equivalency Analysis (HEA) to provide ratios for mitigation for habitat lost to development.

With a landscape-scale challenge such as Gateway South, BLM needs to examine what the agency can do internally to mitigate impacts via management of public lands at the field office and regional scale, especially when BLM is evaluating multiple projects at the landscape level (TransWest Express and Gateway South) that will affect a similar suite of resources and values.

In the case of Gateway South, we find the greatest impacts to be to Greater sage grouse habitat, Lands with Wilderness Character, visual resources and other sagebrush obligate species such as mule deer, pronghorn, Brewers sparrow, etc.

Typical compensatory mitigation techniques such as sagebrush restoration, conservation easements on private land and mitigation banking frequently lead to sizable net losses of the abovementioned resources and values. Instead, we feel that in order for BLM to employ tangible and effective mitigation it needs to also look to land use plans (LUP/RMP) as the vehicle.

SI1cp For instance, the loss of wilderness quality lands and the associated values of solitude and opportunities of primitive and unconfined recreation will happen if the agency preferred alternative is adopted. Places like Simsberry Draw, West Sevenmile and Upper Little Snake lands with wilderness character units will be detrimentally effected. It can be challenging to use tools such as conservation easements to replace the wilderness values lost.

Therefore we are recommending that BLM utilize the land use amendment process to compensate for the resources and values this project would damage or destroy. Specifically, we recommend that BLM designate Areas of Critical Environmental Concern and Special Recreation Management Areas with a backcountry emphasis to mitigate the losses of Greater sage grouse and other wildlife habitat as well as to mitigate the loss of wilderness quality lands

[1] http://www.doi.gov/news/pressreleases/secretary-jewell-releases-landscape-scale-mitigation-strategy-to-encourage-dual-objectives-of-smart-development-and-conservation.cfm
[2] P.9 *A Strategy for Improving the Mitigation Policies and Practices of The Department of the Interior*

SI1cp See response to Comment SI1ah.

Comment(s)

SI1 — **Audubon Rockies et. al (cont.)**

SI1cp

that provide unique opportunities for solitude and primitive and unconfined recreation. These designations should also include strong management prescriptions adequate to protect the wilderness characteristics and other values lost in the impacted areas, including preventing uses that would damage wilderness characteristics and other values in the ACECs and SRMAs designated as mitigation.

Below is the list of lands with wilderness character units that would be detrimentally effected by the preferred alternative. Some of the units were found to contain wilderness character whole or in part by BLM and all units contain outstanding recreation and wildlife values.

V. Specific Unit Notes on Potentially Impacted LWC Units

a) WYCO-B and WYCO-B-2

SI1cq

- **Upper Little Snake**: BLM found 11,459.08 acres of this unit to meet the LWC criteria. The agency preferred and applicant proposed route would nearly bisect this unit. The unit provides outstanding opportunities for solitude as well as primitive and unconfined recreation and the high relief topography of the unit lends itself to sweeping views of the Little Snake River Valley and Great Divide area. In addition, the unit provides precious public access to the Little Snake River.
  - Wildlife: The unit overlaps with severe winter range and winter concentration areas for elk, mule deer, and pronghorn, which is a rare occurrence in northwest Colorado. Additionally, the eastern half of the unit and scattered areas in the western half contain Preliminary Priority Habitat (PPH) for Greater sage grouse (GSG).

SI1cr

- **West Sevenmile:** BLM found 6,326.24 acres of this unit to meet the LWC criteria. BLM states that the "large stepping elevation changes seem to isolate one plateau from another both visibly and audibly"; that "the deep canyons are extremely visually-segregated from the rest of the unit"; and that "[t]he area's unique topography and high relief offer a plethora of opportunities for camping, hiking, and hunting". The BLM cites the "spectacular visual appeal" of the unit. While the applicant/agency-proposed route would only clip the southeastern portion of this unit, and the Agency-preferred would cut across the lowest portion of the unit, both of these routes could severely impact the outstanding wilderness characteristics cited by BLM, especially the visual resources.

SI1cs

  - Wildlife: The unit is both a mule deer and elk winter concentration area as well as elk production areas. Mule deer migrate through the unit from Sevenmile Ridge to the Little Snake River. PPH for Greater sage grouse exists at the upper elevations

SI1ct

- **Spence Gulch:** BLM found 5,358.61 acres of the Spence Gulch unit to meet LWC criteria according to the map and spreadsheet found in BLM's inventory. However the inventory write-up (produced by AECOM) says the area doesn't meet LWC criteria

Response(s)

SI1cq

As specified in Manual 6310, if an individual or group has information to be considered in the determination of wilderness characteristics, a written proposal describing additional wilderness characteristics must be submitted to the applicable BLM field office for review.

In addition, impacts by an alternative route or route variation on elk, mule deer, pronghorn, and greater sage-grouse habitat are described in Section 3.2.7 and 3.2.8.

SI1cr

See response to Comment SIcq.

SI1cs

Impacts on big game and greater sage-grouse along Alternative WYCO-B are disclosed in Sections 3.2.7.5.4 and 3.2.8.5.4. Route Variations are discussed in Appendix F. Impacts on the inventoried wilderness characteristics of West Sevenmile are disclosed in Section 3.2.16.4.2.

The BLM's process for inventorying non-wilderenss study area lands with wilderness characteristic units and its planning analysis and management decision (i.e., as to whether the area will be managed for those characteristics or for other priority multiple uses) is beyond the scope of the project-level EIS. All BLM field offices were contacted during preparation of the Final EIS for any updates to inventories of lands with wilderness characteristics. The information in the EIS includes the most current information. In general, the need for additional public land to be designated for conservation management could be considered in future RMP revisions, but is not appropriate for a project-level evaluation. No additional special management areas are proposed as part of this Project, and as such, development of management plans for special designation areas is beyond the scope of this project. Development of management plans for non-WSA lands with wilderness characteristics also is beyond the scope of this Project.

SI1ct

See response to Comment SI1cq.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1ct

because it fails to meet the size criteria. This discrepancy isn't addressed in either the narrative or the DEIS for this project. No photos are included in the BLM's inventory for this unit (just a photo log). However, BLM does note that "expansive views and scenery are present"; "the area is quiet with no anthropogenic sounds or visible manmade objects in the area"; "elk bugling was observed" [sic]; and, "excellent opportunities for primitive and unconfined recreation are available throughout the entire unit." BLM specifically mentions that "[s]cenic values exist throughout the unit due to the vastness of the landscape, deep valley cuts, and prominent dipping mesas". The agency/applicant proposed route would cut through the southeastern corner of the unit and would impact wilderness characteristics.

- Wildlife: The BLM's inventory mentions that the unit is "excellent habitat for game, wild horses, elk, and antelope". CPW data shows that the entire unit is winter concentration area for elk and that elk production areas exist at the higher portions of the unit along Sevenmile Ridge. Mule deer utilize the entire unit for winter concentration areas and greater sage grouse PPH exists in upper and lowest elevations of the unit, with the proposed route directly impacting PPH.

SI1cu

- **Lower Little Snake:** BLM found 7,335.96 acres of this unit to meet LWC criteria. It's noted that the unit contains high relief topography in the western portion of the unit providing expansive views in addition to solitude and outstanding opportunities for primitive and unconfined recreation, particularly backcountry hunting. While both the agency proposed and applicant preferred routes would impact the wilderness characteristics of the unit, Route Variation WYCO-B-1 is especially damaging to wilderness character and wildlife habitat. At S-7, the DEIS states "This route variation is east of Alternative WYCO-B for a distance of approximately 5 miles, limiting land-use conflicts by crossing the Little Snake River north of where Alternative WYCO-B crosses the river." The only "land-use conflicts" this statement can possible be referring to is conflicts between the developer and private landowners because this variation dramatically increases impacts to wilderness characteristics in both the Lower Little Snake and Deep Canyon LWC units.
  - Wildlife: This unit parallels and includes public land sections of Little Snake River. Little Snake is a free-flowing river that is one of the most important wildlife areas in the entire Little Snake Field Office. The Little Snake River has only intermittent public access, so areas where public lands exist on both sides of the river are highly valued by sportsman and other recreationists. There is a substantial amount of Greater sage grouse PPH throughout this unit.

SI1cv

- **Deep Canyon:** The BLM found 10,974.55 acres of this unit to meet LWC criteria. We submit that all 14,200 acres meet LWC criteria as the western boundary proposed by BLM is not a Wilderness Inventory Road according to BLM's own policies. The Deep Canyon unit is likely the most visually stunning LWC in the Little Snake River valley and is a priority for conservation groups. Godiva Rim is one of the most prominent

SI1cu See response to Comment SI1cq.

SI1cv See response to Comment SI1cq.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

features in northwest Colorado, visible from locations throughout Moffat County. Both the agency preferred route and the applicant's route variation would have significant impact to the wilderness character of the unit, with the applicant's route variation nearly running the entire length of the unit. If sited within the unit, Gateway South would have significant impacts to a unit which is evidenced by the description of the unit in the AECOM/BLM inventory, "majority of the unit contains beautiful downward slopes dipping to the northwest from Godiva rim"…with deep valleys and creek beds throughout the south and central portions of the unit". The report details the "vast and expansive natural views from Godiva Rim and areas to the north and south"; significant areas of solitude"; "opportunities of primitive and unconfined recreation exist, including camping, hunting, hiking and wildlife observation"; and "expansive nature provides a feeling of being one with nature". The BLM inventory includes relatively expansive narrative on supplemental values including "excellent habitat for big game"; "scenic values" and "unique vistas"; "deep canyons and resistant sedimentary layers are visible throughout the unit". The area is a well-known hotspot for big game hunters in addition to other recreationists throughout the year.

SI1cv

- Wildlife: Elk utilize Godiva Rim for winter concentration and severe winter ranges. In addition, the uppermost elevations of Godiva Rim are elk production areas. Mule deer migrate across and below the rim on the northern side and the lower elevations of the unit are winter concentration and severe winter ranges for mule deer. Pronghorn utilize the very lowest elevations of the unit around the Little Snake River for winter concentration and severe winter range. The unit also contains pockets of mapped PGH for greater sage grouse.

SI1cw

- **Simsberry Draw:** BLM found 6,346.56 acres of this unit to meet the LWC criteria. The BLM's inventory mentions that the "Godiva Rim… is the prominent geological feature in the area"; and that the "[s]cenic values include the unique and substantive views of the surrounding region, which dominate the landscape…including Godiva Rim and its spectacular backdrop for steep sloping expanses of beautiful valley vistas". The inventory also mentions the current "absence of anthropogenic impacts and overall scenery of the unit also contribute to solitude"; and that outstanding opportunities for primitive and unconfined recreation exist "due to its route accesses, beautiful scenery, and evidence of wildlife and hunting opportunities, as well as providing areas for seclusion". The applicant and agency proposed route would largely bisect the unit, creating a bevy of impacts to wilderness character, wildlife habitat and recreation opportunities.
    - Wildlife: The southern parts of the unit are mapped PPH for sage grouse, while the rest of the unit is mapped PGH. The entirety of the unit is elk production area, elk severe winter range, and winter concentration area for elk. And mule deer use the area as winter concentration and severe winter range.

SI1cw See response to Comment SIcq.

SI1cx

- **Cross Mountain Wilderness Study Area Adjacent (CON-010-A36, CON-10-A33:** BLM has not conducted inventories of the WSA adjacent units and needs to do so before any projects are approved that would degrade wilderness characteristics of the unit. This

SI1cx See response to Comment SI1aq.

7 **Appendix B: CO Routes**

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1cx

unit contains significant amounts of Greater sage grouse PPH and the proposed route may also be injurious to conservation easements on private land as well as possibly the Cross Mountain Canyon Ranch which was recently acquired by the BLM to provide for enhanced recreational access to the Yampa River and the Cross Mountain Wilderness Study Area. Additionally, these two units contains significant amounts of Greater sage grouse PPH acreage that would be directly threated by the proposed route.

SI1cy

- **Anthill Draw:** BLM found 7,600 acres of this unit to meet the LWC criteria. However the BLM's inventory reports that the boundary has been drawn in such a way to "buffer away from noise". BLM Manual 6310 clearly states that, "[w]hen establishing the boundary, do not create a setback or buffer from the physical edge of the imprint of man". In addition, BLM Manual 6310 also states that "Human impacts outside the area will not normally be considered in assessing naturalness of an area". Contrary to the BLM's report, the outside impacts to the Anthill Draw unit are not in any way "major" and do not have direct effects on the apparent naturalness or opportunities for solitude inside of the unit. BLM states that this unit has "excellent" opportunities for unconfined recreation. The applicant/agency proposed route would bisect this unit on a southwest/northeast aspect, creating significant negative impacts for the unit's wilderness character, wildlife and recreation opportunities.
    - Wildlife: The Anthill Draw unit overlaps with some mapped winter concentration and severe winter habitat for mule deer and the entire unit is mapped as Preliminary General Habitat for greater sage grouse.

b) WYCO-D-1

- **Little Yampa:** BLM found 14,800 acres to contain wilderness characteristics. This area overlaps with the Yampa River Citizen's Wilderness Proposal area (CWP). The unit sits on both sides of the Yampa River and the river through this unit offers one of the premier flatwater canoeing trips in the state of Colorado. The unit offers outstanding camping, hiking, and hunting opportunities. Most of the unit overlaps with the existing Little Yampa Canyon Special Recreation Management Area (SRMA)—a unit that was created to manage for its outstanding recreational opportunities. Impacts to this unit could easily be eliminated by locating the line just slightly north to avoid the LWC unit.

SI1cz

- **Juniper Mountain:** Currently managed as part of the Little Yampa Canyon Special Recreation Management Area, this unit is bisected by the Yampa River and acts in concert with the Little Yampa LWC unit in providing a multi-day boating experience. The area also offers outstanding camping, hiking, fishing and hunting opportunities in close proximity to Craig. Impacts to this unit could be largely mitigated by locating the line to the north of the unit, avoiding needless impacts to the LWC unit and the SRMA.

SI1da

SI1db

- **Crooked Wash:** BLM found 13,391.12 acres of this unit to meet LWC criteria. BLM found this unit to provide naturalness and solitude stating "[T]his unit contains many high ridgelines and valleys below that eliminate both noise and visual evidence of outside activity…and [t]he expansive views show natural habitat." The area was also deemed

Response(s)

SI1cy See response to Comment SI1cq.

SI1cz Comment noted. The alternative route that crosses the Little Yampa Canyon non-WSA lands with wilderness characteristics area is paralleling two existing transmission lines, the Bears Ears to Bonanza 345-kilovolt transmission line and the Hayden to Artesia 138-kilovolt transmission line. Both of these existing transmission lines already cross the northern portion of this unit; and with the need for 1,500 feet of separation for reliability standards for the Project, the alternative route cannot be shifted outside of the unit. Furthermore, the alternative route could be shifted to the north of the existing transmission lines due to existing land uses.

SI1da Comment noted. Due to existing land uses including residential, oil/gas development, and recreation areas and a conservation easement (Maybell Tract), the alternative route cannot be located to the north of the unit. In addition, according to the BLM Little Snake Field Office worksheet for Juniper Mountain, this unit was determined to not meet the standards for an inventoried land with wilderness characteristics unit because of its size.

SI1db See response to Comment SI1cq.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1db

outstanding for primitive and unconfined recreation with BLM remarking "The unit provides excellent opportunities for primitive recreation due to the size and topography of the unit, such as hunting, camping, hiking, and wildlife observation." Route WYCO-D-1 just clips the northern-most portion of the unit that was deemed to not contain wilderness character and potentially impacts to the wilderness character, recreation opportunities and wildlife habitat could be addressed through micro-siting.

SI1dc

- **Coal Oil Gulch:** BLM found 13,000 acres to meet the LWC criteria. BLM stated "The majority of this unit provides areas for solitude…due to its vast expanses, deep canyons, beautiful vistas and lack of proximity to human development." The proposed route corridor would only intersect the very northern-most portion of the unit and could easily be addressed through micro-siting.

VI. Proposed Mitigation Actions

To mitigate the detrimental impacts to those lands with wilderness character units as well as Greater sage grouse and other wildlife habitat, we recommend that BLM designate the following LWC units as ACEC's and/or SRMA's.

a) Specific Unit Notes

SI1dd

- **Shaffer Draw:** The BLM found 5.971.54 acres of this unit to contain wilderness character. Beyond meeting the criteria for naturalness and providing outstanding opportunities for solitude and primitive and unconfined recreation, the area contains important wildlife habitat. Nearly 100% of the unit contains sage grouse PPH in addition to important big game habitat.
- **Upper Little Snake:** As mentioned in the above section, the Upper Little Snake LWC unit contains outstanding wilderness characteristics in addition to a sizable amount of sage grouse PPH. BLM can best address the impacts from the proposed project by protecting those values in the unit outside the transmission line corridor and managing that area of the unit to protect its wilderness character.
- **Deep Canyon:** As mentioned in the above section, Deep Canyon and the Godiva Rim area have some of the most obvious and spectacular wilderness characteristics of any LWC unit in the area. BLM can best address the impacts from the proposed project by protecting those values in the unit outside the transmission line corridor and managing that area of the unit to protect its wilderness character.
- **Greasewood Gulch:** BLM found 8,129.98 acres of this unit to meet the LWC criteria. BLM states "The unit is expansive and rolling terrain both contribute to the overall feeling of solitude." In addition to the fact that the unit "provides excellent hunting opportunities. Both hikers and horseback riders could traverse the unit with ease." The entire unit contains Greater sage grouse PPH, providing critical breeding, nesting and brood rearing habitat in addition to excellent big game habitat.
- **Cherokee Draw:** BLM found 9,639.74 acres of this unit to meet the LWC criteria. Bordered by both the Wyoming/Colorado state line to the north and the Little Snake

Response(s)

SI1dc See response to Comment SIcq.

SI1dd See response to Comments SI1ah and SI1cq.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

River to the east, this unit provides a wealth of wildlife habitat and recreation opportunity. The area around the confluence of Powder Wash and the Little Snake River is especially unique with a "badlands" like environment and the area provides ample opportunities for solitude while providing relative ease of access.

- **Dry Gulch:** BLM did not find this area to meet the LWC criteria due to "range routes." While photo points are provided in the inventory, unfortunately there is no route determination forms or any analysis to support this conclusion. However, the unit's most important feature is its high-quality sage grouse habitat, with nearly 100% of the unit containing sage grouse PPH. The area is also contains important big game winter range and is a well-known destination for hunters.
- **Thornburgh Gulch:** BLM did not find this area to meet the LWC criteria due to "Evidence of this is the numerous routes that traverse the area. While they may not qualify as Wilderness Inventory Roads, the routes severely detract from the overall naturalness of the area." However, there is no route determination form or analysis provided to substantiate this conclusion. However, as with Dry Gulch, the unit's most important feature is its high-quality sage grouse habitat, with 100% of the unit containing sage grouse PPH.

SI1dd

- **Pole Gulch:** BLM did not find this area to meet the LWC criteria stating "Primitive routes cross the entire unit leading to a heavily impacted polygon. On the state land surrounded by the area, there is an abandoned fuel tanker trailer. This affects the view shed of a large part of the unit and detracts from naturalness." There are no route determination forms provided, so details of whether or not the "primitive routes" cited meet the definition of Wilderness Inventory roads is unknown. Additionally, the report states that there is an abandoned fuel tanker on adjacent state land, which is in direct contradiction with BLM Manual 6310 that states "Human impacts outside the area will not normally be considered in assessing naturalness of an area..." However, the most outstanding feature of Pole Gulch is the Greater sage grouse habitat possessed, with 100% of the unit containing PPH in addition to its prime mule deer habitat.
- **Timberlake Creek:** BLM did not find this area to meet LWC criteria because of ranching activities and oil and gas infrastructure. However, 100% of the area is Greater sage grouse PPH, containing the largest lek in the state of Colorado as well as some of the best mule deer habitat found in the region. The ecological importance of this along with the other units adjacent (Dry, Thornburgh and Pole Gulches) is significant and managing these units with an emphasis on Greater sage grouse conservation is critical for the future of the species in Colorado.

Comment(s)		Response(s)
SI1	Audubon Rockies et. al (cont.)	

APPENDIX C:

Utah State Detailed Analyses of Route Segments

Comment(s)

Response(s)

SI1 — **Audubon Rockies et. al (cont.)**

APPENDIX C: Utah State Detailed Analyses of Route Segments

I. Overview

Federal public land in Utah constitutes some of the most awe-inspiring, breathtaking landscapes in the world. These lands provide critical habitat for innumerable plant and animal species, effectively buffering those species against the encroachment of human development and climate change. Rich in ecological diversity and cultural resources tracing back tens of thousands of years, these lands are a national treasure that should be protected for all future generations. Through this lens, we submit the following comments on the proposed alternative routes developed as part of the Gateway South transmission project.

Of particular concern to Utah conservation interests are those alternative routes that impact lands proposed for wilderness designation by the Utah Wilderness Coalition in America's Red Rock Wilderness Act (ARRWA), S.769, H.R. 1630 (113th Congress); alternative routes that impact Forest Service inventoried roadless areas (IRAs) and otherwise undisturbed landscapes; and alternative routes that impact wildlife habitat, lands with wilderness characteristics (LWCs), and other specially-designated federal lands (*e.g.,* Areas of Critical Environmental Concern (ACECs), National Conservation Areas (NCAs), Wilderness areas). *See* Map UT-1.

As described in further detail below, a primary issue with many of the proposed alternative routes is that the respective routes, as currently proposed, encroach upon proposed wilderness areas, BLM LWCs, BLM ACECs, suitable Wild and Scenic River segments, Forest Service IRAs, and priority habitat for Greater sage grouse. *Id.* Where a proposed route passes near these landscapes, the right-of-way should be modified and the actual route aligned to avoid entering or overlapping with these critical areas.

II. Co-locating Transmission Projects

SI1de

Particular segments of the proposed alternative routes fall within existing transmission corridors containing existing transmission lines. In these situations, BLM must analyze co-locating the Gateway South transmission line in order to minimize adverse environmental impacts. This co-location analysis applies both singularly to Gateway South as well as in conjunction with the two additional statewide transmission projects currently undergoing environmental review (*e.g.,* Transwest Express and Zephyr).

III. Off-Road Vehicle Use

SI1df

Both the Utah BLM and Forest Service suffer from similar problems in that both agencies fail to adequately manage off-road vehicle (ORV) use. Whether it's the proliferation of ORV use, lack of agency will, cutting of agency budgets or the endless miles of dirt roads and two-tracks throughout Utah, ORV use presents a significant challenge for conservation of public lands in the state. Increased route densities from ORV trails and dirt roads directly conflict with key wildlife habitat. As part of mitigating any new transmission project, BLM must consider route density reductions in some areas in conjunction with particular line segment siting. Any route constructed as part of the Gateway South transmission project may end up added to the

SI1de

Between preparation of the Draft EIS and the Final EIS, the BLM asked the Applicant to make further refinements based on comments received on the Draft EIS. The Applicant refined the alternative routes along the preliminary agency-preferred alignment and incorporated some localized alternative routing variations. Refinements included coordination with the applicant for the TransWest Express transmission project to identify opportunities for colocation of the two projects through several priority areas along the agency-preferred alternative alignment. The refined alignment along the agency-preferred alternative route and the other alternative routes are analyzed in the Final EIS.

In addition, in 2013, the WECC revised its guidelines regarding separation distance between high-voltage transmission lines to be a minimum of 250 feet. The alternative routes and route variations for the Project were analyzed in the Draft EIS assuming a greater separation distance of 1,500 feet, based on earlier 2008 WECC guidance. Considering the revised WECC guidance, in early 2014, the BLM asked Applicant to adjust the transmission line alignment along the Agency Preferred Alternative to be approximately 250 feet from existing linear facilities and 300 feet from other proposed transmission line alignments, where applicable. The BLM's intent is to reduce the amount of potential impacts and avoid potential proliferation of transmission lines across the landscape in accordance with the Federal Land Policy and Management Act of 1976. The alternative routes for the Project are analyzed in the Final EIS assuming a separation distance of 250 to 300 feet from the TransWest Express transmission project.

SI1df

As described in Section 2.3.3, existing access roads would be used in their present condition without improvements, to the extent possible, to limit new disturbance for the Project. In areas where it is not practicable to use existing roads to fulfill the access requirements of the Project, the existing road would be upgraded or a new road would be constructed. Upgraded or new access roads would be evaluated on a case-by-case basis by the appropriate federal or state land manager to determine whether to close roads to the public, close and reclaim roads, or leave roads open as part of a transportation network. The EIS acknowledges that closed roads may attract unauthorized off-highway vehicle use and associated impacts on resources. Where appropriate, Selective Mitigation Measures 5 and 15 (refer to Table 2-13) would be applied to minimize accessibility of reclaimed access routes and to limit accessibility in sensitive habitats. In addition, where the Project and the TransWest Express transmission project are colocated, if applicable (refer to Section 2.3.3 of the Final EIS), the requirements for access roads may be consolidated, if conditions are appropriate to reduce resource impacts.

Comment(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1df system of unauthorized ORV trails in Utah. Recognizing that route restrictions such as "administrative only" are difficult to enforce, BLM must analyze and recommend policies to deter and prevent creation and use of additional routes resulting from the proposed project.

IV. Wildlife Impacts

SI1dg BLM must consider impacts to wildlife species and habitat and avoid impacting priority habitat areas in siting the proposed transmission structures. These critical species include the Greater sage grouse, goshawk, prairie dog, black-footed ferret, Mule deer, Rocky Mountain elk and Rocky Mountain bighorn sheep. The primary issue in much of eastern Utah, where a significant amount of habitat has already been compromised, is "what will a new major impact bring?" Analysis must consider the adequacy of existing habitat to support viable populations of key species as well as options to restore or protect habitat. Where habitat is currently compromised, resiliency for key species and movement to allow adaptation must be ensured before adding any additional impacts. Additionally, BLM must consider the issue of unwanted increased predation resulting from transmission towers. Each tower can lead to a zone of several miles where increased predation can lead to major declines in ground dependent wildlife species such as sage grouse.

V. Specific Alternative Routes

The following comments outline specific concerns with the alternative route segments set out in the DEIS.

Alternative Routes COUT-BAX-B/COUT-BAX-C/COUT-BAX-E

Alternative routes COUT-BAX-B, COUT-BAX-C, and COUT-BAX-E (hereafter referred to as the "southern Utah routes") all pass through BLM LWCs and lands proposed for wilderness designation in ARRWA. In addition, all but COUT-BAX-E negatively impact the existing San Rafael Swell SRMA. *All proposed southern Utah routes result in unnecessary impacts to BLM LWCs, proposed wilderness, and/or other specially-designated areas and should not be considered viable alternatives in the DEIS.*

- **LWC/ARRWA/ACEC Impacts**

SI1dh All proposed southern Utah routes bisect BLM identified LWCs. In particular, the following impacts will result from the routes as proposed:

- All southern Utah routes bisect the southern portion of the Floy Canyon LWC unit.
- COUT-BAX-B cuts into the southwest boundary of the Lost Spring Wash LWC unit.
- COUT-BAX-C bisects the northern boundary of the Lost Spring Wash LWC unit as well as the southern boundary of the Price River LWC unit.

In addition to impacting LWCs (*see* DEIS 3.2.14), the following routes impact lands proposed for wilderness in ARRWA:

- COUT-BAX-B impacts the Desolation Canyon, Lost Spring Wash and Price River proposed wilderness units. *See* Map UT-2.

Response(s)

SI1dg BLM went through an extensive process in identifying alternative routes and route variations to avoid impacting priority habitat areas. Several alternative routes and route variations were eliminated from further consideration early on in the planning process based on potential impacts on wildlife species (refer to Section 2.6.2). Impacts on wildlife will be further reduced under the Agency Preferred Alternative by colocating the route with existing transmission lines and TransWest Express, another planned transmission line project. For all alternative routes and route variations carried forward in the Draft EIS, BLM analyzed potential direct and indirect impacts on wildlife, including greater sage-grouse, Northern goshawk, white-tailed prairie dog, black-footed ferret, mule deer, elk, and bighorn sheep in Sections 3.2.7 and 3.2.8.

Increased predation resulting from transmission towers will be minimized by colocating the line with existing or proposed transmission lines to the extent feasible, which will reduce the proliferation of perch sites in new areas across the landscape.

SI1dh Impacts on the San Rafael Swell Special Recreation Management Area are described in Section 3.2.12; ACECs are described in Section 3.2.15; and non-WSA lands with wilderness characteristics are described in Section 3.2.16.

See also response to Comment SI1aq.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

- Route COUT-BAX-C impacts the Desolation Canyon, Lost Spring Wash, Price River, and Mexican Mountain proposed wilderness units. *Id.*
- Route COUT-BAX-E impacts the Desolation Canyon and Price River proposed wilderness units. *Id.*

SI1dh

Finally, route COUT-BAX-B bisects the Big Hole unit of the Rock Art ACEC, designated for the protection of known cultural sites. Price Field Office RMP, 133-34. The sites included within this ACEC "are some of the best examples of prehistoric rock art in the Colorado Plateau." *Id.* at 133. Importantly, in accordance with the RMP, the Rock Art ACEC is designated an "exclusion area" for utility corridors and ROWs. *Id.* at 40, 120, 133-34.

- **SRMA Impacts**

Both COUT-BAX-B and COUT-BAX-C transect the San Rafael Swell SRMA. *See* Price Field Office Record of Decision and Approved Resource Management Plan, 110 (October 2008). The existence of the Gateway South transmission line will negatively impact the recreation values protected by the SRMA.

Alternative Routes COUT-C1 through C5/COUT-H/COUT-J

Alternative routes COUT-C1 through C5, COUT-H, and COUT-J all result in impacts to a BLM-identified LWC and ACEC. *See* Map UT-3.

- **LWC Impacts**

All of the above listed routes will result in detrimental impacts to the 14,434-acre Currant Canyon LWC unit, identified by BLM's Vernal Field Office as part of the 2008 RMP revision. *See, generally,* Vernal Field Office Record of Decision and Approved Resource Management Plan (October 2008). The proposed routes bisect the LWC unit and will result in a loss of identified wilderness characteristics. As generally discussed in the Colorado-specific comments, in order to mitigate the detrimental impacts to the Currant Canyon LWC unit, we recommend that BLM manage other areas found to possess wilderness characteristics for those wilderness characteristics (*i.e.,* natural areas) or, alternatively, designate them as ACECs or SRMAs. *See Appendix B.*

SI1di

Specifically, to mitigate for the loss of wilderness characteristics in the Currant Canyon LWC unit, BLM should manage the 50,280 acre Four Mile Wash LWC unit for its wilderness characteristics or, alternatively, designate the area an ACEC for its scenic values and riparian habitat. The 2008 Vernal RMP already determined that the area possesses wilderness characteristics and was suitable for analysis as an ACEC.

Given that wilderness character lands cannot be "created" in the same context as wetlands mitigation, BLM is obligated to manage existing wilderness character lands for those wilderness characteristics or, alternatively, under other special designations, as mitigation for decimating existing wilderness characteristics. Further, the close proximity of the Four Mile Wash LWC unit to the Currant Canyon LWC makes for a common sense, sufficient mitigation

SI1di See response to Comment SI1aq.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1di

strategy to compensate for the loss of habitat and wilderness values resulting from BLM's transmission siting decision. This approach is consistent with the recently issued "Strategy for Improving the Mitigation Policies and Practices of The Department of the Interior" (April 2014), and adequately mitigates for the loss of wilderness characteristics in the Currant Canyon LWC unit.

- **ACEC/Wild and Scenic River Impacts**

SI1dj

The proposed alternative routes also cross the 8,470-acre Lower Green River Corridor ACEC. Vernal RMP, 120. The Lower Green River Corridor ACEC is intended to protect the visual resources of the area and, as such, is managed as a VRM Class II area. VRM Class II management "requires that the level of change to the landscape be low. . . . [and] [a]ctivities can be seen but should not attract the attention of the casual observer." *Id.* at 31. Siting the transmission line within the Lower Green River Corridor ACEC is inconsistent with VRM Class II management and will result in detrimental impacts to the scenic values the ACEC seeks to protect.

In addition, the 30-mile Lower Green River segment bisected by the proposed alternative routes is classified as a suitable "Scenic" river under the Wild and Scenic River Act. *Id.* at 43. Per the 2008 Vernal RMP, the Lower Green River segment "will continue to be managed as previously recommended as a suitable scenic segment to protect its outstanding remarkable values." *Id.* at 124. Any siting of the transmission line across this segment of the Green River will result in loss of the scenic qualities within this river segment and may remove its eligibility for designation into the National Wild and Scenic River System.

- **Greater Sage Grouse Impacts**

SI1dk

Prior to diverging from the primary east-west route, yet located west of the Currant Canyon LWC unit, all of the proposed routes pass through Greater sage grouse habitat with a breeding density of 100%. *See* Map UT-4.

- **Specific Route Impacts (after diverging from the primary east-west route)**
  - **COUT-C1**

SI1dl

Proposed route COUT-C1follows Reservation Ridge, a high ridgeline with the potential for both impacts to high-quality avian habitat and visual resource values. Although the route avoids direct impacts to the Forest Service IRA, transmission structures near the IRA will result in increased predation and other negative impacts to avian species that utilize the high-quality adjacent IRA habitat.

Reservation Ridge is also a ridgeline where any transmission siting will have far greater impacts to visual resources than lower elevation alternative routes where the transmission structures can be more easily screened from view.

4 **Appendix C: UT Routes**

SI1dj

Comment noted. Per the approval from the BLM Vernal Field Manager on August 27, 2014, the alternative route has been refined and is located in the utility corridor where it crosses the Lower Green River eligible wild and scenic river/area of critical environmental concern but avoids the pipelines on the west side of the river. This keeps utility crossings to just one portion of the river.

SI1dk

Greater sage-grouse habitat crossed by the Project is discussed in Section 3.2.8.

SI1dl

High impacts on views from the Reservation Ridge Scenic Backway were assessed for the approximately 12 miles where this scenic road is paralleled along the edge of the Ashley National Forest. Due to these impacts, and other resource effects, this route variation was not selected to be the Agency Preferred Alternative.

Impacts on greater sage-grouse along Alternative COUT-C and route variations are disclosed in Section 3.2.8.5.4. Impacts on greater sage-grouse along route variations are disclosed in Appendix F. Potential impacts in sage-grouse habitats along all alternative routes and route variations will be minimized through the application of the design features and selective mitigation measures (refer to Mitigation Planning and Effectiveness in Section 3.2.8.4.3 and Table 3-102). High residual impacts on sage-grouse habitat remaining after application of the design features and selective mitigation measures will be addressed via offsite mitigation as described in Appendix K.

Comment(s)

Response(s)

SI1 **Audubon Rockies et. al (cont.)**

SI1dl

Additionally, this route passes through areas with a Greater Sage grouse breeding density of 75%.

- **COUT-C2 through COUT-C3**

Proposed route COUT-C2 and COUT-C3 will negatively impact Greater sage grouse habitat with a breeding density of 75%. In addition, both routes slightly impact the boundary of habitat areas with a breeding density of 50%.

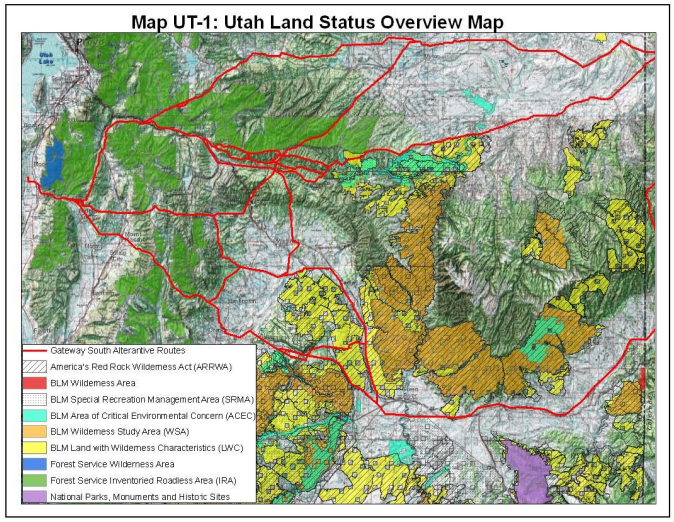
- **COUT-C4/COUT-C5/COUT-H/COUT-I**

Proposed routes COUT-C5, COUT-H and COUT-I all result in unacceptable impacts to Greater sage grouse habitat. This area bisected by these three routes has been determined to be a priority Greater sage grouse conservation area and, as indicated on Map UT-4, has a grouse breeding density of 25%. Due to the imperiled status of the Greater sage grouse and the impact of transmission structures on grouse habitat, the Gateway South transmission line must avoid these key habitat areas.

Comment(s)

Response(s)

SI1 | **Audubon Rockies et. al (cont.)**

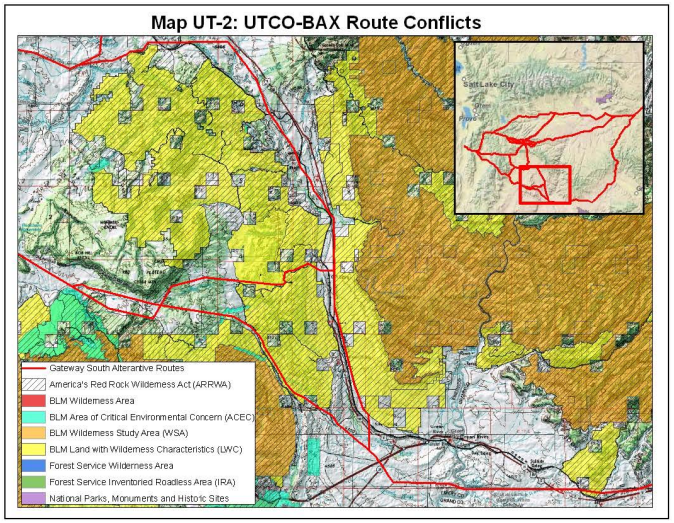


6 **Appendix C: UT Routes**

Comment(s)

Response(s)

SI1 | **Audubon Rockies et. al (cont.)**



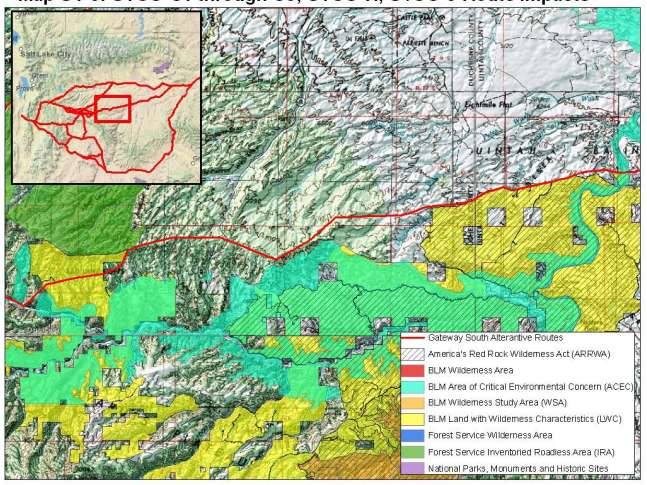
7 | Appendix C: UT Routes

Comment(s)

Response(s)

SI1 | **Audubon Rockies et. al (cont.)**

Map UT-3: UTCO-C1 through C5, UTCO-H, UTCO-J Route Impacts

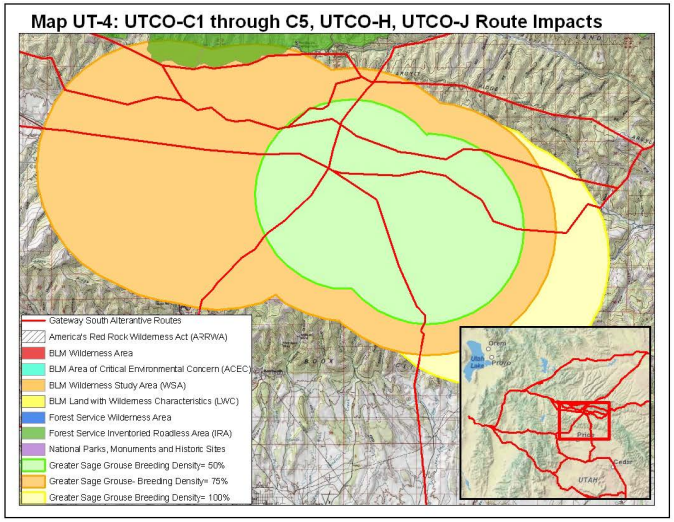


8 | Appendix C: UT Routes

Comment(s)

Response(s)

SI1 | **Audubon Rockies et. al (cont.)**



Comment(s)

Response(s)

SI2 **Argyle Wilderness Preservation Corporation**

SAGE LAW PARTNERS

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SALT LAKE CITY, UTAH
LAS VEGAS, NEVADA

May 22, 2014

VIA ELECTRONIC MAIL

Bureau of Land Management
Energy Gateway South Transmission Project
GatewaySouth_WYMail@blm.gov

RE: GATEWAY SOUTH TRANSMISSION LINE PROJECT DRAFT EIS

To whom it may concern:

I represent the Argyle Wilderness Preservation Corporation ("AWPC"), comprised of the majority of property owners in the Argyle Canyon area near Price, Utah, whose property interests are affected by the proposed Agency-preferred route of the Gateway South Transmission Project. The current Agency-preferred route as set forth in the Draft Environmental Impact Statement dated February 21, 2014, extends directly through Argyle Canyon.

SI2a

The segment affecting the members of the AWPC is the U.S. Highway 40 to Central Utah to Clover, referenced in the EIS as "COUT." More specifically, the segment of the Agency-preferred route that extends North along U.S. Highway 191 from Price and between Reservation Ridge and Argyle Ridge, as currently proposed, will cross many of the over 200 members' property in Argyle Canyon. Each of the route variations designated COUT-B, -B-1, -B-2, -B-3, -B-4, and -B-5 each follow the same route north through Argyle Canyon.

Additionally, the COUT-C, -C-1, -C-2, and -C-3 (Agency-preferred alternative) route variations follow the Argyle Ridge heading west toward U.S. Highway 191, and cross through the members' properties in Argyle Canyon.

SI2a

Comment and route preference noted. Based on comments received on the Draft EIS, the Applicant coordinated with some representatives of the Argyle Wilderness Protection Corporation to identify alternative route refinements and variations in this area that would avoid or reduce potential impacts on existing and planned land uses in the area (e.g., seasonal-use homes) and sensitive environmental resources. These route variations have been analyzed for the Final EIS and are addressed in Sections 3.2.11 and 3.2.18.

Comment(s)

Response(s)

SI2 **Argyle Wilderness Preservation Corporation (cont.)**

BLM
May 22, 2014
Page 2 of 2

SI2b The EIS identifies COUT-C-4 and –C-5, which both avoid Argyle Ridge and U.S. Highway 191 north through Argyle Canyon. Each of those route alternatives accommodates the sage-grouse habitat present along Argyle Ridge. Either of these routes is just as viable as the Agency-preferred route and other route alternatives and avoids the members' properties altogether. These alternative routes

SI2c The members of the AWPC are adamantly opposed to the transmission lines touching and/or crossing any of their respective properties. UTAH CODE ANN. § 78B-6-504(1)(b) requires that any taking of property be "necessary for the use." Locating the transmission lines on their property is ***not reasonably necessary*** in relation to the alternative proposed locations for the transmission lines.

SI2d The members of the AWPC have long histories with the property in Argyle Canyon dating back to the late 1800s. The Agency-preferred route will disrupt the ecology and enjoyment of the property for which purpose the area was established and divided. Further, all value of the property, whether extrinsic or intrinsic, tangible or intangible, will be extinguished if the project touches or crosses the members' property.

SI2e

SI2f All of Argyle Canyon, including all of the roads therein, is privately owned and maintained and is not devoted to any public use. Approval of the current Agency-preferred route or any of the route alternatives other than COUT-C-4 or –C-5 by the BLM enables an illegal taking under Utah law.

The AWPC is prepared to take whatever measures necessary to maintain the nature of Argyle Canyon as it currently exists. I sincerely hope that no action by the AWPC is necessary, but the AWPC and its members are prepared to take any legal action necessary to prevent these power lines from illegally crossing the members' property in Argyle Canyon.

I appreciate your consideration of the insurmountable damage the Agency-preferred route will cause to Argyle Canyon and the members of the AWPC and I anticipate that you will ultimately come to the conclusion that the routes proposed that cross Argyle Canyon property are neither necessary nor viable for the project.

Very Truly Yours,
SAGE LAW PARTNERS LLC

/s/ Christopher J. Finley

Christopher J. Finley
Attorneys for AWPC

Cj/nc

cc: G. Everett

SI2b Comment and route preference noted.

SI2c Comment noted. The BLM would issue a 250-foot-wide right-of-way grant across the lands it administers that is consistent with applicable regulations, recognizing the Applicant must acquire all access permissions and permits for lands outside of their jurisdiction.

SI2d See response to Comment SI2a.

An additional section has been included in Section 3.2.22.5.2 (Impacts Common to All Alternatives) that describes the impacts to private property. Short-term impacts on nearby residents and properties as a result of the Project would include short-term disruptions during construction. These would include increased noise from construction activities and equipment, the visual presence of construction equipment, and potential traffic and congestion resulting from construction trucks and equipment accessing the right-of-way, use of local roads, and potential short-term road closures during conductor stringing. Long-term impacts on nearby residents as a result of operation of the Project would include low, infrequent disturbance during any maintenance or repair activities (property values are discussed in the subsequent section).

SI2e New rights-of-way for the construction and maintenance of the new transmission line would be required for the Project. Existing access roads would be used where possible, but additional access road easements would also need to be acquired. The Applicant would pay market value to nonfederal landowners, as established through the appraisal process, for any new land rights required for this Project. The appraisal process takes all factors affecting value into consideration, including the impact of transmission lines on property value. The Applicant would also compensate landowners for any lost agricultural values.

The appraisals may reference studies conducted on similar properties to support their conclusions. The strength of any appraisal depends on the individual analysis of the property, using neighborhood-specific market data to determine market value. The easements required may encumber the right-of-way area with land-use limitations. Each transmission line easement will specify the present and future right to clear the right-of-way and to keep it clear of all trees, whether natural or cultivated, and all structure-supported crops, other structures, trees, brush, vegetation, fire, and electrical hazards.

SI2f See response to Comment SI2c.

Comment(s)

Response(s)

SI3 | **Defenders of Wildlife**

From: **Eliza Cava** <ECAVA@defenders.org>
Date: Thu, May 22, 2014 at 9:34 PM
Subject: Defenders of Wildlife Gateway South DEIS Comments
To: "GatewaySouth_WYMail@blm.gov" <GatewaySouth_WYMail@blm.gov>
Cc: "tgertsch@blm.gov" <tgertsch@blm.gov>, Jon Belak <JBELAK@defenders.org>

Dear Ms. Gertsch,

Please confirm receipt.

Attached are Defenders of Wildlife's comments on the Draft Environmental Impact Statement (DEIS) for the proposed Gateway South transmission project. Our comments focus on four key issues:

1. General recommendations for avoiding, minimizing, and compensating for wildlife impacts;
2. Minimizing potential impacts to key species, including greater sage-grouse and black footed ferret, and recommendations for management and mitigation;
3. Changes needed in the Habitat Equivalency Analysis (HEA) for determining compensatory mitigation obligations for greater sage-grouse; and
4. The relationship of the GWS project with the West-Wide Energy Corridors designated pursuant to Section 368 of the Energy Policy Act of 2005, specifically in the context of potential impacts to wildlife species and habitats.

In addition, we support many of the comments, concerns and recommendations made in comments on the Gateway South DEIS by a coalition of conservation organizations (TWS, Audubon Rockies, and partners, May 22, 2014).

We thank you for the opportunity to submit these comments. Please contact jbelak@defenders.org with any questions.

Sincerely,

Eliza Cava
Policy Analyst
Renewable Energy & Wildlife

Defenders of Wildlife
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Comment(s)

SI3 **Defenders of Wildlife (cont.)**

May 22, 2014

Energy Gateway South Project
c/o Tamara Gertsch
BLM National Project Manager
Bureau of Land Management
P.O. Box 21150
Cheyenne, Wyoming 82003
Via email (GatewaySouth_WYMail@blm.gov) and online submission

RE: Comments on the Notice of Availability of the Draft Environmental Impact Statement and Land-Use Plan Amendments for the Energy Gateway South Transmission Project in Wyoming, Colorado, and Utah

Dear Ms. Gertsch:

This letter transmits comments on the Gateway South Transmission Line Project (GWS project) submitted by Defenders of Wildlife (Defenders). We appreciate the opportunity for stakeholder engagement and thank you for your consideration of our comments.

Our comments focus on four key issues:

1. General recommendations for avoiding, minimizing, and compensating for wildlife impacts;
2. Minimizing potential impacts to key species, including greater sage-grouse and black footed ferret, and recommendations for management and mitigation;
3. Changes needed in the Habitat Equivalency Analysis (HEA) for determining compensatory mitigation obligations for greater sage-grouse; and
4. The relationship of the GWS project with the West-Wide Energy Corridors designated pursuant to Section 368 of the Energy Policy Act of 2005, specifically in the context of potential impacts to wildlife species and habitats.

SI3a

In addition, Defenders supports many of the comments, concerns and recommendations made in Gateway South Draft Environmental Impact Statement (EIS) Comments (TWS, Audubon Rockies and partners, May 22, 2014), specifically recommendations related to:

- BLM should provide information to the public on anticipated subscribers to GWS and how GWS will impact regional electricity generation and transmission;
- FEIS Should Properly Identify Breadth of Impacts and GWS Should be Designed to Avoid, Minimize, and Effectively Mitigate Impacts;
- Identification of areas with high potential for biological impacts that should be avoided
- Additional recommended BMPs that the FEIS should require;
- Mitigation of impacts through off-site, compensatory mitigation;
- BLM must consider, disclose and analyze significant new information in the DEIS in order to demonstrate Purpose and Need;
- Challenges to Evaluate Wildlife Impacts as Presented in DEIS, including the need to break out impacts analysis by segments in the FEIS, not by route alternative.

1

Response(s)

SI3a

It is not the BLM's role or responsibility to verify the Applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by PacifiCorp is scrutinized by the Public Utilities Commission. The responsibility of the BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers.

As explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation).

As described in Section 2.5.1.2 of the EIS, after initial impacts were identified for each resource, measures to mitigate impacts for environmental protection (refer to Table 2-13) were applied to avoid, reduce, or minimize moderate or high impacts. This information is recorded for every alternative route and route variation considered in the EIS. Once an alternative route or route variation is selected, the Applicant would coordinate with the BLM and other land-management agencies or landowners, as appropriate, to refine the implementation of mitigation at specific locations or areas. For example, if a road closure was recommended, the Applicant would work with the applicable land-management agency or landowner to determine the specific method of road closure most appropriate for the site or area (e.g., barricading with a locking gate, obstructing access on the road using an earthen berm or boulders, revegetating the roadbed, or obliterating the road and returning it to its natural contour and vegetation). This detailed mitigation would be incorporated into the POD prior to Project construction. In other words, the selective mitigation measures applied during impact analysis and mitigation planning will be carried forward from the EIS, and refined by resource surveys conducted for the selected route. Where substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation) and developed in coordination with cooperating agencies for the selected route.

Response continued on next page.

Comment(s)

SI3 **Defenders of Wildlife (cont.)**

Response(s) - continued

SI3a cont.

Also, when applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

Section 2.5.1.3 and Figure 2-7 for the Final EIS presents the systematic and progressive analysis for screening and comparing local areas (Level 1 analysis) then subregional areas (Level 2 analysis) that was conducted to narrow the number of alternative routes and determine the most environmentally acceptable routes to be addressed in the EIS. That is, for each level, once the impacts along each of the areas (local/sublocal/regional) of alternative routes had been analyzed, the areas of alternative routes were screened and compared to identify which were most environmentally preferable and to eliminate from further consideration less preferable ones (in accordance with criteria at 40 CFR 1502.14). The Level 1 and 2 analysis results are recorded in the Project record. Routes considered and eliminated from detailed analysis through the Level 1 and Level 2 screening and analysis are described in Section 2.6.2 in the EIS. The Level 3 analysis involved combining the suitable segments of routes from the first two levels of screening to form complete routes. The Level 3 analysis is presented in the EIS. The commenter is referred to Tables S-1a through S-1d in the EIS that provide a detailed comparative analysis (Level 3) of the resources for each alternative route and route variation considered in detail in the EIS. The tables identify key resource inventories and associated impacts for each resource based on the analysis presented in Chapter 3. Further, the commenter is referred to the Map Volume (Volume II) that accompanies the EIS. The map volume contains 1 map showing construction access levels that predict (1) the general type of access required for each mile of alternative route and route variation and (2) the associated disturbance, and 23 maps showing resource inventory and impacts. The inventory and impacts are reported by link. Finally, because of this systematic and progressive analysis, the Agency Preferred Alternative identified for the northern Project area (from Aeolus Substation, Wyoming, to near U.S. Highway 40 at the Colorado-Utah border) and southern Project Area (from the Colorado-Utah border to the Clover Substation, Utah) in the EIS does indeed reflect the agencies' preference for consideration by the agency decision-makers when selecting and approving a route.

Comment(s)		Response(s)
SI3	Defenders of Wildlife (cont.)	

General Recommendations for Avoiding, Minimizing, and Compensating for Wildlife Impacts

The Department of the Interior (DOI or Interior Department) and Bureau of Land Management (BLM) are aggressively transitioning to a landscape-scale approach to public lands management that will address conservation and development priorities and needs across a broader ecological scale.[1] This approach is further supported by the June 2013 Presidential Memorandum (PM) on Transforming our Nation's Electric Grid Through Improved Siting, Permitting, and Review; a May 17, 2013 PM on Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures; and a subsequent report released in May 2014 on implementing the Infrastructure PM. The GWS project, which crosses three states, substantial wildlife habitat, and miles of unfragmented lands, represents a well-timed opportunity to put these policies in action. We note and applaud the BLM for including Appendix K, "Bureau of Land Management Mitigation Guidance," in the GWS DEIS, and we encourage the BLM to continue to track agency and departmental guidance in defining mitigation obligations throughout the GWS review process.

All proposed routes of the GWS project pass through sensitive habitats and would have significant impacts on key species, but these impacts can be greatly minimized through the use of common sense siting and design principles. The use of existing Rights of Way (ROWs) and previously degraded lands is a fundamental strategy that should be employed to minimize impacts to wildlife movement corridors and preserve unfragmented wildlife habitats needed for species persistence and climate adaptation

Recommendation: Use existing ROWs

SI3b Although the transmission structures presented in the DEIS typically do not require guy wires, any locations where guy wires are used pose an additional collision risk to low-flying birds. We recommend that use of guy wires be avoided whenever possible and in cases where there is no other feasible alternative that they be marked.

SI3c The DEIS also states that the applicant has committed to using tubular H-frame transmission structures within 4 miles of sage-grouse leks in designated sage-grouse core areas and priority habitats. We agree that special attention to structure design in these and other areas is needed, but recommend that any structure to be used in these sensitive areas be purposed to prevent the raptor and corvid perching and nest-building that can result in mortality, power outages, and increased fire risk. Rather than using structures that provide extensive perching opportunities that present extensive horizontal perching surfaces that require perch-discourager retrofits, structures for these areas should prevent avian perching and nesting as an integral part of their design. As documented by research[2] and cited by Power Company of Wyoming in their TransWest Express Transmission line (TWE) DEIS comments, retrofitted perch deterrents may reduce, but do not eliminate perching by raptors and the predation threat to sage-grouse and other species. Vertical configurations are preferable, both for perch management as well to reduce bird-caused electrical outages and increase reliability.[3] Of the structure types shown in Figures 2-1 and 2-2 in the Proposed Action section, only the 345kV single circuit monopole tangent structure designs has this optimal vertical configuration.

[1] See Sec. Order No. 3330, Interim Policy 2013-142, Draft – Regional Mitigation Manual Section 1794
[2] Lammers, W.M. and M.W. Collopy. 2007. Effectiveness of Avian Predator Perch Deterrents on Electric Transmission Lines. Journal of Wildlife Management 71:2752-2758.
[3] Vosloo, H.F., E. Shunmagum, and G. Bruce. 2006. Transmission Bird Perch Guidelines. Eskom South African Power Utility. http://migratorysoaringbirds.undp.birdlife.org/sites/default/files/BIrd%20Perch.pdf

2

SI3b Comment noted. The Applicant has not proposed any guyed transmission structures.

SI3c See response to Comment SI3b.

The BLM understands the Applicant has worked with the FWS, APLIC, and other agencies to develop an APP for their facilities and distribution and transmission lines in their service territory. The APP and APLIC guidelines for protection and collisions are referenced at a high-level in the EIS. Project-specific standards, methods, and measures (including avian-specific mitigation) will be described in the POD to be developed in coordination with cooperating agencies, including FWS and state wildlife agencies.

Comment(s)

Response(s)

SI3 **Defenders of Wildlife (cont.)**

SI3c

Numerous structure types and manufacturers exist, and we recommend that the specific type used in sensitive areas should definitively address perching issues.

Recommendation: Require structures that do not require guy wires or retrofits, such as tubular H-frame transmission structures, to prevent avian perching so as to provide durable and integral protection for the life of the project.

Sensitive and other Imperiled Species

Analysis of project impacts on sensitive and imperiled species must be comprehensive: geographically encompassing the entire footprint of the project and temporally encompassing all impacts associated with construction, operation, and maintenance over the life of the project.

Direct loss of wildlife due to collisions with motor vehicles, crushing of burrows or nests, direct loss of wildlife habitat and fragmentation of habitat, and electrocution and collision with power lines as well as indirect effects such as species displacement, barrier effects, increased predation rates, creation of mammalian predator travel lanes, increased nest parasitism, invasive plant species, increased wildland fire risk, lower wildlife density, increase in trash/human waste, and increase in off-road vehicle traffic must be assessed.

SI3d

As noted by FWS in their recent comments on the proposed TWE project, many of the impacts associated with transmission line construction (e. g. fragmentation, barrier effects, increase predation on ground nesting birds, etc.) extend beyond the immediate 250 foot ROW corridor, but as with TWE, the GWS DEIS only acknowledges temporary impacts in a restricted set of work areas along the ROW and defines post-construction impacts only for areas that would be covered by structures, asphalt, or concrete.

Recommendation: Quantify project impacts on BLM Special Status and other imperiled species, and broaden impacts analysis beyond a 250 foot ROW

Ensure the Durability of Management Decisions for Conservation Use

Critical to protecting large expanses of sagebrush steppe and current populations of greater sage-grouse will be the BLM's ability to ensure enduring designation and management of public lands. We are supportive of the BLM's recognition of the need for durability in Appendix K, "Bureau of Land Management Mitigation Guidance," and we encourage the agency to continue to track agency and departmental guidance in defining mitigation obligations (including durability) throughout the GWS review process.

The BLM has ample authority to provide durable protection for lands identified for conservation purpose and current Department of the Interior and BLM policies require BLM to provide "durable mitigation" for infrastructure development on public lands. "Durable mitigation" is mitigation that is effective for as long as the impacts being mitigated for last, plus restoration. BLM has a number of available tools that can and should be used simultaneously to achieve this goal, i.e. "layering."

To date BLM chiefly emphasizes land use planning decisions, including Area of Critical Environmental Concern and similar designations, as the way to achieve durable mitigation. Land use plans are unquestionably important tools for managing our public lands. But land use plan decisions standing alone are not sufficiently durable. All land use plan decisions, including conservation designations, management prescriptions and rule sets, are subject to amendment and revision before conservation objectives have been achieved.

3

SI3d

The assessment of potential direct and indirect impacts on biological resources that could result from the proposed Project was assessed within a 2-mile-wide study corridor (Table 2-9) and was not limited to the 250-foot right-of-way.

Comment(s)

SI3 — **Defenders of Wildlife (cont.)**

To enhance the durability of its mitigation and conservation decisions, BLM must expand its current approach to include other tools in addition to land use planning, including: Rights of Way for Conservation, which could be issued to a state wildlife agency or the US Fish and Wildlife Service (FWS); withdrawals of incompatible uses and retention of lands or withdrawals of incompatible uses and transfer of management authority to FWS and creation or expansion of wildlife refuge; conservation easements; and cooperative agreements.

SI3e

In addition to focusing on durability of mitigation commitments, the Final EIS should specify details regarding planned off-site mitigation to compensate for impacts, including funding commitments, monitoring plans, and public transparency. Furthermore, conservation opportunities across ownerships at the landscape scale should be pursued as mitigation where possible, to provide the best possible outcomes for conservation and to incorporate resiliency to climate change. Larger scale conservation efforts may provide a useful hedge against expect impacts, the extent of which cannot be precisely forecast today. Such approaches to mitigation are being employed in the California Desert Renewable Energy Conservation Plan, and they should be considered here as well.

Recommendation: Continue to track agency and departmental guidance in defining compensatory mitigation obligations (including durability) throughout the GWS review process, and describe in detail how those policies and guidance will be implemented in the Final EIS.

Impacts to Key Species

Greater sage-grouse

Habitat disturbance and fragmentation have been influential in this species' decline. Naugle et al. (2011) state that "recent research demonstrated that sage-grouse populations declined when birds behaviorally avoid infrastructure in one or more seasons (Doherty et al. 2008), when cumulative impacts of development negatively affect reproduction or survival (Aldridge and Boyce 2007) or both (Lyon and Anderson 2003, Holloran 2005, Kaiser 2006, Holloran et al. 2007)." Avoidance of energy development by greater sage-grouse restricts their distribution, and may result in population declines if density dependence, competition or displacement into poor-quality habitats lowers survival or reproduction among displaced birds (Holloran and Anderson 2005, Aldridge and Boyce 2007)." This body of research, while primarily focused on the effects of oil and gas development, evaluates impacts that have relevance for transmission line development as well.

SI3f

Greater sage-grouse are landscape specialists requiring large, intact sagebrush habitats. Sage-grouse rely on different types of sagebrush habitat to satisfy their requirements during different seasons of the year, with the annual range of a sage-grouse encompassing up to 2,700 square km (Knick and Connelly 2011). Damage to even one of its seasonal habitats can impact sage-grouse. Because sage-grouse are a landscape-scale species, ensuring the species' survival requires comprehensive analysis of remaining habitats and populations on a range-wide basis, and then adopting a range-wide conservation plan to ensure that adequate regulatory mechanisms are in place to protect the species across its range. Indeed, FWS has recognized this basic fact, explaining, "Meaningful restoration for greater sage grouse requires landscape, watershed, or eco-regional scale context rather than individual, unconnected efforts." See 75 Fed. Reg. at 13917.

Recommendation: Connect project-level sage-grouse mitigation to landscape-scale planning for species recovery

4

Response(s)

SI3e

See resonse to comment SI3a.

When applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

Recommendations regarding the location of potential off-site mitigation are consistent with BLM and USDI mitigation policies and will be considered during development of any potential mitigation. Off-site mitigation being considered by the BLM and relevant regulations and policies are described in in Appendix E (BLM Mitigation Guidance), Appendix K (Sage-grouse Compliance) and Section 3.2.9 (migratory birds) of the Final EIS.

SI3f

Potential direct and indirect effects of the project on greater sage-grouse are described in Section 3.2.8.4.3 under the heading Special Status Upland Game Birds. The BLM is actively engaged with the Applicant and other relevant agencies to develop appropriate compensatory mitigation for resources for which land-use plan goals and objectives or regulatory thresholds could not be met with onsite avoidance, minimization, and selective mitigation measures. The BLM has provided information regarding possible measures that could be used to compensate for the effects of the project on sage-grouse in Appendix K. Landscape-scale planning for sage-grouse conservation is outside the scope of this project.

Comment(s)

SI3 **Defenders of Wildlife (cont.)**

This project comes at the most critical time for the conservation of greater sage-grouse ahead of the listing decision, a time when local management and protection must be focused on preserving conservation success and species recruitment, but guided by an overall strategy that accounts for direct, indirect and cumulative effects and charts a course for rangewide recovery and persistence. If the project is approved, BLM should establish through the EIS the mitigation goal of an overall gain in conservation benefit for sage-grouse after the transmission line is developed compared with their status before the line. This will require a better understanding of the species' use of habitat and an analysis that fully addresses cumulative and indirect effects.

SI3g

Recommendation: Overall Conservation Benefit must be an explicit goal of the GWS EIS

Preservation of sage-grouse habitat is best accomplished through permanent protection from land cover conversion, but few areas are permanently protected; Hanser et al. (2011) state that less than 2% of sagebrush in the Wyoming Basin Ecoregional Assessment area (which includes western Wyoming and parts of CO, UT, ID, and MT) is permanently protected. In addition, many of the remaining sagebrush habitats used by greater sage-grouse are threatened by fire and invasive weeds. To address the main threats to the species, the focus of greater sage-grouse conservation should be on limiting conversion of good habitat and limiting anthropogenic disturbance within good habitat. Retaining and protecting high quality sagebrush habitat is more effective, efficient, and economical than attempting to restore habitats already degraded by cheatgrass invasion, fire, and/or juniper encroachment (Wisdom et al. 2003). While sagebrush restoration must be an integral part of sage-grouse protection, efforts should be well-targeted, and avoidance and protection of high quality habitat must be prioritized.

SI3h

Recommendation: Make preservation of intact habitat top priority for mitigation

Transmission structures have negative direct and indirect impacts on greater sage-grouse. The 2009 Department of Energy report "Sage-Grouse and Wind Energy: Biology, Habits, and Potential Effects from Development," states that "Braun et al. (2002) reported that sage-grouse were particularly susceptible to the placement of overhead power lines at within 0.8 km (0.5 mi) of nesting grounds. Significant impacts to sage-grouse have been documented from overhead power transmission and communication distribution lines out to 6 km (3.7 mi) (Manville 2004)." More recently, a study using positions collected from collared sage-grouse concluded that sage-grouse avoid areas within 600 m of transmission lines (Gillan et al. 2013). This result is supported by USGS research (Hanser et al. 2011) that modeled sage grouse habitat use through pellet counts and found a significant negative effect on activity from transmission lines within a 500 m radius. Finally, the 2013 USGS synthesis of the status of the species and threats across the range states that sage-grouse may avoid habitats within 0.4–2.9 mi (0.6–4.7 km) of a transmission line, that erection of a transmission line close to a lek will negatively influence sage-grouse lek attendance and breeding-season behavior, that higher densities of power lines within 4 mi (6.4 km) of a lek may negatively influence lek persistence, and that foraging distances of avian sage-grouse predators have been estimated at 4.3 mi, suggesting that transmission and power lines may influence sage-grouse at large spatial scales (Manier et al. 2013).

SI3i

The USFWS 2010 listing determination identifies power lines as directly affecting greater sage-grouse "by posing a collision and electrocution hazard" (Braun 1998, pp. 145-146; Connelly et al. 2000a, p. 974), having indirect effects by decreasing lek recruitment (Braun et al. 2002, p. 10), increasing predation (Connelly et al. 2004, p. 13-12), fragmenting habitat (Braun 1998, p. 146), and facilitating the invasion of exotic annual plants (Knick et al. 2003, p. 612; Connelly et al. 2004, p. 7-

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Response(s)

SI3g

In accordance with BLM WO-IM 2012-043, the BLM will cooperate with the Applicant to develop and implement appropriate offsite mitigation that the BLM, coordinating with the respective state wildlife agency, determines would meet BLM's current management objectives for sage-grouse. As described in Appendix K, the Applicant will develop a voluntary sage-grouse conservation and mitigation plan in coordination with the agencies for the Agency Preferred Alternative route. The mitigation plan will offer measures to avoid, minimize, or compensate for Project effects characterized by the framework and identified in the EIS that could not be mitigated or avoided using measures in BLM or other agency plans, including losses of habitat services quantified using the HEA.

SI3h

In addition to habitat restoration, protection of existing habitat, as well as juniper removal, are identified as potential sage-grouse mitigation tools (refer to Appendix D of Exhibit F2 in Appendix K). The types of potential off-site mitigation identified are consistent with BLM and USDI mitigation policies and will be considered during development of any potential mitigation.

SI3i

The effects described in these references are discussed under the following headings in Section 3.2.8.4.3: Fragmentation of Sage-Grouse Habitats due to the Introduction of Tall Structures, Increased Electromagnetic Fields, and Construction of New Roads; Morality Due to Collisions with Power Line Conductors, Fences, or Guy Wires; Reduction in the Quality of Sage-grouse Habitat by Introducing the Spread of Noxious Weeds; Loss and Degradation of Sage-grouse Habitat Quality and Function; Disturbance to Sage-grouse and Disruption of Breeding Activities due to Increased Human Presence and Noise at Lek Locations; Disturbance to Sage-grouse During Nesting, Breeding, and Wintering Periods Resulting from Human Presence, Vehicle Use, and Noise During Construction and Maintenance; Sage-grouse Avoidance of Habitat Due to Potential Increase in Raptor Predation Pressure; and Increasing Predation Risk to Sage-grouse by Raptors and Ravens.

Avoidance of unnecessary impacts on sage-grouse will be achieved through the application of Project design features and site-specific selective mitigation measures. These measures are described in Section 3.2.8.4.3 and Table 3-102 of the Final EIS.

Design features that apply to sage-grouse habitat within 4 miles of leks include alteration of placement of roads or towers (Design Feature 3), construction to avian-safe design standards (Design Feature 4), seasonal restrictions (Design Feature 6), vehicle access restriction (Design Feature 26), construction activity access restriction (Design Feature 27), personnel instruction (Design Feature 28), hazardous material

Comment(s)

SI3 **Defenders of Wildlife (cont.)**

25) (page 18). Additionally, sage-grouse could be impacted through a direct loss of habitat and human activity (especially during construction periods) (USFWS 2010 at 44). The Gateway West FEIS noted that recent research identified the best predictors between extirpated and occupied ranges to include distance to transmission lines (Wisdom et al 2011). FEIS at 3.11-74. Knick et al. 2013 further emphasized intolerance of grouse to human disturbance and development, reporting that 99 percent of active leks in the species' western range were in landscapes with less than three percent disturbance.

SI3i

Avoidance of unnecessary impacts to sage-grouse must be the priority, and we recommend following the guidelines for conserving sage-grouse and their habitat contained in the 2011 report of the National Technical Team (NTT), a committee of 23 federal and state land managers and sage-grouse experts (including 14 BLM representatives). The NTT report, a primary reference for the National Greater Sage-Grouse Planning Strategy, recommends making priority habitat "exclusion areas" for new ROWs, and general habitat "avoidance areas." Priority habitat is generally defined as "having the highest conservation value to maintaining sustainable Greater Sage-grouse populations" (BLM Memo 2010-071) and should include all active sage-grouse leks, and brood-rearing, transitional and winter habitats. "Priority habitat will be areas of high quality habitat supporting important sage-grouse populations, including those populations that are vulnerable to localized extirpation but necessary to maintain range-wide connectivity and genetic diversity" (BLM Memo 2010-071). The only exception defined by the NTT is in cases where a project can be co-located within the footprint of an existing disturbance area.

We also echo the FWS recommendations provided for the TWE DEIS that construction activity and earth disturbance within a 4-mile buffer surrounding leks during the lekking and nesting season construction activity and earth disturbance in winter habitat between November 15— March 15 be avoided.

Recommendation: Exclude development in PPH, within 4 miles of leks, except in cases where new development can be completely contained within the footprint of existing infrastructure.

SI3j

In cases where the route would cross through occupied greater sage-grouse habitat, GWS must coordinate with Rocky Mountain Power to co-locate the proposed GWS line as close as possible to the proposed TWE line. Industry safety standards allow for separation distances as minimal as 250 feet, and this recommendation is consistent with objectives outlined in the COT report as well as with comments submitted by FWS on the TWE DEIS.

Recommendation: Prioritize co-location of new transmission whenever possible and minimize separation distance to 250' or less.

Given that sage-grouse conservation must be prioritized and that transmission and other developments do impact the species, it is essential to use project-scale mitigation methods that provide measurable benefits that can be integrated upward to landscape scale planning and coordinated with other efforts such as CCAs and CCAAs. A scientific and data-driven approach is needed that is inherently more accurate, replicable, efficient, and compatible with landscape-scale planning.

The BLM-initiated National Greater Sage-Grouse Planning Strategy is intended to improve sage-grouse management on the estimated 47 million acres of sagebrush steppe under BLM control and make eventual recovery of the species possible. This will entail amending dozens of Resource Management Plans (RMPs) to incorporate policies and provisions designed to restore the species

6

Response(s)

restrictions (Design Feature 30), vehicle speed limit for overland travel (Design Feature 39), minimization of new or improved Project accessibility (Selective Mitigation Measure 5), seasonal and spatial wildlife restrictions (Selective Mitigation Measure 12), and overland access (Selective Mitigation Measure 13).

SI3i cont.

As described under Design Feature 3 (Section 3.2.8.4.3), locations of sage-grouse populations and habitats will be identified from existing agency data or from Project-specific surveys prior to construction. Identification of populations and habitats will be used to develop site-specific avoidance and mitigation plans.

Residual impacts on sage-grouse anticipated to remain following application of the design features and site-specific selective mitigation measures are addressed through additional mitigation as described in Appendix K.

SI3j See responses to SI3f through SI3i.

Comment(s)

SI3 — **Defenders of Wildlife (cont.)**

and protect its diminishing sagebrush steppe habitat. This unprecedented planning process, properly executed, could finally reverse declining Greater Sage-grouse populations, while providing for sustainable use of public lands, but success will require coordination and communication within and between agencies as well as agency flexibility to propose the range of land use restrictions necessary to conserve sage-grouse. At the project level, BLM is required by IM 2012-043 to determine whether the "proposed ROW and mitigation measures would cumulatively maintain or enhance greater sage-grouse habitat." If it does not, appropriate mitigation must be defined through consensus between the state BLM, wildlife agency, and FWS representative, or failing that, through the Sage-Grouse National Policy Team and possibly even the BLM director. Given this structure, to avoid time and resource intensive, high-level review of individual projects, the approach to evaluating impacts should involve a turnkey, transparent approach that gets it right the first time and avoids repetitive evaluations.

SI3k

Recommendation: Use transparent, quantitative, and replicable methods to streamline compliance with the IM 2012-43 requirement to determine whether maintenance or enhancement of Sage-Grouse Habitat is occurring with each project

Avian Species

Take of avian species, particularly through disrupting reproduction and power line collision, is likely unavoidable with a transmission project of this size and location. Although the applicant has an Avian Protection Plan (APP) as recommended by the U.S. Fish and Wildlife Service (FWS) that was last updated in 2011, collision, electrocution, and perching/nesting risk assessments associated with the specific route selected would need to be performed to update the APP and minimize avian risk if this project were developed.

SI3l

Raptors are particularly affected by construction and operations disturbance during nesting season, and for these species the nesting season is critical to productivity, short-term diversity, and long-term trends. Any activity that disrupts breeding, feeding, sheltering, and roosting behavior and causes, or is likely to cause, nest abandonment or reduced productivity is considered disturbance and is a violation of BGEPA, but the nest buffers proposed for this project are inconsistent and inadequate.

SI3m

SI3n

Recommendation: Update the existing 2011 Pacificorp Avian Protection Plan if an action alternative is chosen to evaluate the entire project ROW for avian risk.

SI3o

Recommendation: Prohibit surface-disturbing activities within 1 mile of nests occupied within the last 7 years for the following raptor species: Golden Eagle, Ferruginous Hawk, and the BLM Special Status Burrowing Owl, Swainson's Hawk, Peregrine Falcon, and Northern Goshawk. Year-round exclusion areas should be considered if assessments indicate a need.

Golden Eagle

As previously suggested by multiple NGO groups including Defenders, we recommend that the BLM develop a supplemental golden eagle document for public review and comment. Given the continued concern for these important raptors related to windpower mortality and expanding electrical infrastructure, any development decisions must be consistent with conservation requirements under BGEPA. Golden eagle project-level impacts must be placed within the appropriate regional population context; areas 10 miles from the application area should be evaluated. Adequate buffers for golden eagle should be in place and monitored to evaluate

SI3p

7

Response(s)

SI3k — As described in the Energy Gateway South Transmission Project Greater Sage-grouse HEA Plan (Appendix K), the HEA that will be used is a replicable method for determining project-related permanent and interim habitat losses. The HEA will be used to quantify impacts on sage-grouse and mitigation needed to meet management standards.

In accordance with agency policies pertaining to offsite mitigation, the BLM, cooperating agencies, and Applicant are working collaboratively to develop appropriate offsite mitigation that could be implemented to facilitate reasonable development of the Project consistent with applicable agency plans and policies pertaining to sage-grouse.

SI3l — APPs are utility-specific documents that delineate a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities. The Applicant for the Project is an existing, regulated public utility with an existing programmatic APP that would apply to the Project, if built. Programmatic APPs can be developed to establish utility-wide practices and are not intended to be developed for individual projects. The Applicant's APP is included in the Administrative Record and includes monitoring, reporting, and best management practices to reduce avian mortality.

Location-specific avian protection measures will be developed in collaboration with the agencies and be compatible with the Applicant's existing APP.

SI3m — Due to the large size of the Project area and associated variations in local climate, the chronology of raptor nesting activities is variable from site to site and area to area. Raptor nest spatial buffers and seasonal restrictions incorporated into the EIS represent the recommendations of regulatory agencies responsible for protection of raptors (i.e., FWS) in each of the three states crossed.

The comment incorrectly implies that the cited types of disturbance would result in a violation of the Bald and Golden Eagle Protection Act for any raptor species. Regardless, the EIS contains the spatial and seasonal protections recommended by the FWS for each of the species identified in the comment.

Also refer to Comment SI3l.

SI3n — See response to Comment SI3l.

SI3o — See response to Comment SI3m.

Comment(s)

SI3 — **Defenders of Wildlife (cont.)**

effectiveness. For unavoidable impacts, compensatory mitigation through retrofitting high-risk power poles should be considered. Spatial buffers for golden eagle nests should be 1.0 miles.

SI3p

Recommendation: Develop a supplemental golden eagle document, such as an Eagle Conservation Plan, for public review that places project-level eagle impacts within a regional population context, considers areas within 10 miles of the application area, incorporates retrofitting high-risk power poles as potential mitigation, and requires a one mile buffer around nests.

Black footed ferret

SI3q

All WYCO routes pass through at least two black-footed ferret reintroduction management areas. Both potential routes from the Aeolus substation at the eastern end of the line extend into the southeastern edge of Wyoming's Shirley Basin reintroduction management area in Wyoming, which has an active population. At the end of the WYCO routes near the Colorado Border, all routes pass through the Wolf Creek reintroduction management area that contains the Colorado Parks and Wildlife Tuttle Ranch Easement. This latter area was designated for the purpose of ferret reintroduction, and although the white-tailed prairie dogs that would have supported the ferrets are currently extirpated due to plague, it is vital to maintain the viability of this area as a future reintroduction site, as well as to honor state agency conservation projects such as Tuttle Ranch that protect high quality habitat for a range of species. COUT routes leaving Colorado and passing into Utah all intersect reintroduction management areas as well; the northern and southern routes cross the Snake John and Coyote Basin reintroduction management areas, respectively. Ferrets were present during 2013 spotlight surveys.

SI3r

Despite the negative impacts of plague on both prairie dogs and ferrets as well as the experimental-nonessential status (Section 10(j), ESA) of the ferret within reintroduction management areas, the potential for future restoration efforts for both species must be maintained, and not precluded or compromised by development incompatible with recovery. Direct displacement of black-footed ferrets and white-tailed prairie dogs would be limited to the development footprint. However, the increased potential for raptor perching and nesting and the associated increase in predation pressure is a potential concern that applies both to areas that currently support both species. For ferrets these concerns extend to great horned owl predation since they are nocturnally active.[4]

Recommendation: Perform pre-construction surveys for both species in compliance with existing guidelines, and avoid development in occupied areas.

SI3s

Recommendation: Use structures designed to provide no perching opportunities wherever needed in consultation with FWS and state game personnel as to avoid compromising future recovery in these areas.

[4]Poessel, S.A., Breck, S.W., Biggins, D.E., Livieri, T.M., and L. Ageloni. 2011. Landscape features influence postrelease predation on endangered black-footed ferrets. Journal of Mammalogy, 92(4):732–741, 2011; DOI: 10.1644/10-MAMM-S-061.1

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Response(s)

SI3p

The analysis recommendations referenced in this comment are typical for industrial-scale wind energy developments where the NEPA analysis conducted for those projects predicted a clear risk to eagles, including a high probability of mortality. For this project, BLM's NEPA analysis did not find that mortality or take of eagles was likely under any of the alternative routes and route variations. Thus, the analysis presented in the EIS is appropriate for the identified risk to eagles. The BLM has advised the Applicant of the company's responsibility to protect eagles and requested that the Applicant coordinate with FWS on this issue. The BLM is not aware of recommendations from FWS to reconsider the analysis conducted or to develop an eagle conservation plan for this project.

Also see response to Comment SI3m.

SI3q

Descriptions of the Shirley Basin, Wolf Creek, Snake John, and Coyote Basin black-footed ferret reintroduction management areas are provided in Section 3.2.8.5.4. Coordination with FWS for black-footed ferret will continue during Section 7 consultation.

SI3r

As described under Design Feature 3 (Section 3.2.8.4.3), surveys for special status wildlife, which include white-tailed prairie dogs and black-footed ferrets, would be conducted in suitable habitat along the selected route using approved protocols of the BLM, USFS, or other cooperating agency. Impact avoidance and minimization measures would be applied as practicable to avoid adverse impacts on populations and habitat where identified, which may include altering the placement of roads or towers. This design feature will minimize adverse impacts on special status wildlife to the extent practicable through the identification of populations and habitats prior to construction and the creation of site-specific avoidance and mitigation plans. The full list of design features and selective mitigation measures applicable to white-tailed prairie dogs and black-footed ferrets are listed in Table 3-102. Increased predation resulting from transmission towers would be minimized by colocating the line with other proposed or existing transmission lines, which would reduce the proliferation of perch sites in new areas across the landscape.

SI3s

The BLM understands the Applicant has worked with the FWS, APLIC and other agencies to develop an APP for their facilities and distribution and transmission lines in their service territory. The APP and APLIC guidelines for protection and collisions are referenced at a high-level in the EIS. Project-specific standards, methods, and measures (including avian-specific mitigation) will be described in the POD to be developed in coordination with cooperating agencies, including FWS and state wildlife agencies.

Comment(s)

SI3 — **Defenders of Wildlife (cont.)**

Changes needed in the Habitat Equivalency Analysis (HEA) for determining compensatory mitigation obligations for greater sage-grouse

We have previously defined seven required elements for a defensible transmission project HEA. These elements, which remain essential for acceptance of the HEA approach, are:

1. Ensure that variation in sage-grouse habitat value is accurately reflected by the HSM model, including cumulative and indirect effects of development on habitat. These elements are not explicitly incorporated in the proposed HSM.
2. Ensure that lost habitat services in high-quality sage-grouse habitat are replaced by habitat services in high-quality sage-grouse habitat, rather than by large areas of lower-quality habitat in need of significant restoration. Replacement of habitat services should balance habitat quality and quantity to optimize mitigation and maximize conservation benefit.
3. Ensure that the measures used for mitigation actually represent a gain to sage-grouse that will offset the impacts to sage-grouse, rather than incorrectly characterizing actions that the BLM is already required to complete (i.e. post-fire stabilization and restoration) as compensatory mitigation actions, as is proposed in the HEA.
4. Ensure that conservation easements counted as compensatory mitigation are also clearly a gain to sage-grouse that offsets negative impacts on sage-grouse, rather than merely a continuation of use of existing habitat.
5. Ensure that conservation easements for the species are acquired and maintained as long as transmission lines and structures are present on the landscape, not just during the estimated 100 year period when areas within the ROW are recovering from disturbance. Since there is no evidence that sage-grouse will re-occupy these areas in close proximity to power lines and associated structures, they should be treated as a permanent loss of sage-grouse habitat.
6. Clearly define the habitat services lost and replaced.
7. Clearly describe the time frames and risks of failure for habitat restoration efforts.

Unfortunately, we identified the following concerns regarding the GWS HEA, many of which are similar to concerns we have expressed in the past regarding the HEAs for GWW and TWS:

SI3t

- Appendix A of Appendix F, "Proposed Habitat Service Metric for the Gateway South Transmission Line," acknowledges that some of the scoring and weighting of the model had no basis in available literature, and that professional judgment was the standalone criteria for assigning values in these cases. This approach, which is only loosely based on previous research across the species' range, lacks sufficient biological realism and is inherently inaccurate at the project level. The additive nature of HEA analyses makes results very sensitive to the assumptions used to estimate habitat services, without the use of actual species habitat use data. Use of this analysis is likely to result in extreme underestimates in HEA model predictions of required mitigation and net habitat loss for the species. This is not a defensible strategy when the tools exist to do the job. The BLM must instead adopt a HEA process that models actual sage grouse habitat use to identify the strongest habitat predictors.

SI3u
SI3v

- The Framework for Sage-grouse Impacts Analysis for GWS (Appendix F, Exhibit F1) specifies that an impact analysis that 1) evaluates direct and indirect impacts and 2) addresses the direct loss of birds is a prerequisite 3) "to identify mitigation needs and to develop mitigation plans that focus on the amount and locations of impacts and commensurate mitigation measures and actions." Thus the mitigation plan must include impacts previously

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Response(s)

SI3t

Comments noted. A technical working group (the HEA Technical Working Group) that included sage-grouse biologists from the BLM, FWS, state wildlife agencies, and other cooperating agencies was convened by the Applicant and collaborated to provide input and guidance for developing the Applicant's HEA. The HEA provides a scientific-based, peer-reviewed method of scaling mitigation requirements to project-related permanent and interim habitat losses. HEA is a transparent, quantitative, and replicable method that will also be used to evaluate the benefit of sage-grouse habitat restoration and mitigation projects.

Habitat service levels were assigned based on the best available published literature and the professional judgment of local biologists for each metric. Professional judgment was not a standalone criterion. Habitat use data were not available; therefore the HEA tested model accuracy by comparing results to breeding densities.

Comment(s)

SI3 **Defenders of Wildlife (cont.)**

identified and evaluated in the first two steps above as well as those included in the current HEA framework. Unfortunately, the set of assumptions and calculations proposed to compensate for the impacts defined in steps 1 and 2 are completely divorced from the mitigation plans as currently proposed, and both are based on poorly founded assumptions virtually identical to those used for TransWest Express and Gateway West.

- Judgment-based models like that used for the Gateway South HSM model only allow the consequences of assumptions to be explored and provide no basis to objectively evaluate:
  - The strength of the relationship between each predictor and habitat use
  - Interactions between predictors
  - Changes across scales
  - Uncertainty in model output
  - The predictive power of competing predictors and competing models.

Sage-grouse habitat value is complex, and species habitat selection, particularly in the context of human disturbance, can be a contentious research topic. In this context, transparent, replicable evaluation is critical to ensure that variation in sage-grouse habitat value, including indirect effects of development on habitat, is accurately reflected, and that this analytical process is impartial and unbiased. Getting as close as possible to predictive, cause and effect relationships requires data-driven models based on the best available science that derive these relationships using observed habitat use, leaving no question as to the veracity of the results and providing the basic statistical properties required for a scientifically valid investigation. Defenders and the NGO community in the Intermountain West have submitted comments, analysis, and recommendations to the BLM on several occasions highlighting deficiencies in existing HEA models and making recommendations for improvement. We incorporate those comments by reference.[5]

SI3u
SI3v

Instead of judgment-based models, the BLM should use models using species habitat use data, such as the previously recommended Wyoming Basins Ecoregional Assessment sage-grouse model. A properly constructed, sage-grouse data-driven model would be able to measure all project impacts with a common yardstick based on modeled habitat value given habitat quality predictors and levels of disturbance. As we recommended for the Gateway West FEIS, the sage-grouse habitat analysis that forms the basis for the HEA should also be used to transparently estimate habitat value prior to development and habitat services lost during development, in addition to habitat services lost during recovery. Use of a more data-based process that uses statistical modeling would provide the vital information above needed to integrate project-level data into landscape-level planning in compliance with Secretarial Order on Mitigation 3330, as described in the introduction to this letter.

Development of an HEA process based on data rather than judgments would have other benefits, such as projecting habitat services generated by different potential conservation easements or management techniques. At the route planning stage, habitat services analyses could be used to rate

[5] Idaho Conservation League, Defenders of Wildlife, Audubon Colorado, Natural Resources Defense Council, Audubon Wyoming, Nevada Wilderness Project, The Wilderness Society, Wyoming Outdoor Council, Western Resource Advocated, Oregon Natural Desert Association, Center for Native Ecosystems, Sierra Club, and Yellowstone Coalition (April 4, 2012). Comments on Proposed Gateway West Transmission Line Project Sage-Grouse HEA.

Defenders of Wildlife, The Wilderness Society, and the National Audubon Society (August 3, 2012). Comments on the Sage Grouse Habitat Equivalency Anaylsis (HEA) for the Gateway West Transmission Line Project.

Defenders of Wildlife, Audubon Rockies, and The Wilderness Society (June 28, 2013). Comments on Proposed Gateway West Transmission Line Project Sage-Grouse Habitat Equivalency Analysis (HEA).

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Response(s)

Comment noted.

The BLM and cooperating agencies are working collaboratively with the Applicant to develop the Applicant's Sage-grouse Mitigation Plan. The Applicant has prepared a statement indicating the company's intention to prepare a mitigation plan in accordance with the Framework and establishment of a HEA Technical Working Group that included sage-grouse biologists from the BLM, FWS, state wildlife agencies, and other cooperating agencies. As indicated in Appendix K of the Final EIS, the agencies and the Applicant have initiated development of this plan and the Framework for Sage-grouse Impacts Analysis. As indicated in the Framework for Sage-grouse Impacts Analysis, There will be two primary components of mitigation, a Project-wide mitigation plan and the HEA described in this section. The mitigation plan will include the HEA as articulated below, as well as any other impacts as identified in the EIS (i.e., indirect impacts) and associated mitigation not included in the HEA. The BLM, cooperating agencies, and Applicant acknowledge that adequate information and scientific knowledge does not exist to evaluate all potential impacts discussed in the EIS using HEA. These potential effects will be addressed using the best available information in the Applicant's Mitigation Plan to meet the BLM, cooperating agencies, and Applicant's obligations for sage-grouse mitigation.

SI3u
SI3v

The HEA provides a scientific-based, peer-reviewed method of scaling mitigation requirements to project-related permanent and interim habitat losses. HEA is a transparent, quantitative, and replicable method that will also be used to evaluate the benefit of sage-grouse habitat restoration and mitigation projects. Habitat service levels were assigned based on the best available published literature and the professional judgment of local biologists for each metric. Professional judgment was not a standalone criterion. Habitat use data were not available; therefore the HEA tested model accuracy by compared results to breeding densities.

The HEA does estimate habitat value prior to development and habitat services lost during development, in addition to habitat services lost during recovery. In Exhibit F2 of Appendix K, the section titled Quantification of Baseline Habitat Service Levels describes the process for estimating preconstruction habitat services (Appendix B); the section titled Quantification of Habitat Service Losses (Appendix C) describes the process for estimated habitat services lost during construction as well habitat services lost during restoration and recovery.

When applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

Comment(s)

SI3 **Defenders of Wildlife (cont.)**

SI3v

the relative impacts of alternatives. As part of an effectiveness monitoring program, habitat services of habitat that has been protected, is recovering, or has been restored could be evaluated periodically to ensure that mitigation is effective and occurring at the appropriate ratio. These beneficial uses of a data-based habitat services metric model are not possible with proposed methods based on judgment models. Use of the data-based model across the mitigation plan would lead to integration within the overall mitigation plan as well as a means to standardize methods adaptively across projects and facilitate landscape-scale mitigation.

Recommendation: Since the sage-grouse Mitigation Plan must include all direct and indirect impacts, the BLM should develop models that predict observed sage-grouse habitat use using site-specific habitat and disturbance data for the HEA.

Recommendation: A defensible HEA requires that the elements listed above be satisfied

SI3w

We support the recommendation made by FWS for the TWE DEIS that a 0.6 mile buffer on either side of the transmission line be used to calculate the acreage of greater sage-grouse habitat that would be affected by indirect effects resulting from the presence of a transmission line for the HEA. This acreage represents degradation and fragmentation of sage-grouse habitat that cannot be avoided and these impacts must be compensated for.

Recommendation: Use a 0.6 Mile buffer to define the area of indirect sage-grouse effects for the HEA

The relationship of the GWS project with the West-Wide Energy Corridors (WWECs) designated pursuant to Section 368 of the Energy Policy Act of 2005

Background on WWECs and recommendations for use in permitting projects like Gateway South

As directed by Section 368 of the Energy Policy Act of 2005, the BLM and USFS undertook a programmatic EIS to designate ROW corridors across public lands in eleven Western states in order to streamline and facilitate the siting of linear energy infrastructure (pipelines and transmission lines). However, the original West Wide Energy Corridor (WWEC) designations, proposed in 2009, did not do enough to connect renewable (rather than fossil fuel-generated) energy to towns and cities, did not provide enough opportunity for public input on their construction, and did not adequately analyze potential impacts on wildlife and the environment. In response, Defenders joined fellow conservation organizations and one county in challenging the designation of the originally proposed corridors. The litigation resulted in a settlement agreement, in which the agencies agreed to review the corridors to address these issues. Pursuant to the settlement agreement, the agencies developed a work plan for initiating a Corridor Study to assess the overall usefulness of the corridors and review corridor placement, utilization, and the use of Interagency Operating Procedures (IOPs). Following the Corridor Study, the agencies will initiate the first Regional Periodic Review of corridor designations, and develop a corridor monitoring plan to support the study.

Parallel to initiating the Corridor Study and Regional Periodic Reviews of WWEC designations, the BLM issued Instruction Memorandum No. 2014-080 on April 7, 2014. IM 2014-080 instructs field office officials to encourage applicants to site projects within the WWECs as currently designated,

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Response(s)

SI3w

Comment noted. As described in Chapters 3 and Appendix K of the EIS, quantification of indirect effects on sage-grouse habitat is difficult and little research exists to support using any specific buffer for quantification. The HEA is being developed by the Applicant with a HEA Technical Working Group composed of agency biologists. BLM has provided this recommend to the HEA Technical Working Group for consideration during development of the Sage-grouse Mitigation Plan.

Comment(s)

SI3 **Defenders of Wildlife (cont.)**

and to make project proponents aware that siting projects within "Corridors of Concern" (COCs) as identified in the Settlement Agreement may:

- Involve significant environmental impacts;
- Include preparation of an environmental impact statement;
- Involve substantially increased or extensive mitigation measures such as regional or off-site mitigation to compensate for impacts to sensitive resources;
- Include consideration of alternatives outside the corridor and consideration of an alternative that denies the requested use;
- Include amendment of the applicable land use plan to modify or delete the COC and designate an alternative corridor; and
- Be challenged.

Gateway South overlaps with a number of designated WWECs, as shown in Figures 2 – 6. Three of these corridors (all in Utah, and among other issues all providing disproportionate access to coal-fired generation) were designated as "of concern": 126-258, 66-212, and 66-259. Both the agency- and applicant-preferred routes in Utah avoid overlap with COCs except for a section of agency-preferred COUT-C2, which overlaps with the northern end of WWEC COC 66-212.

In addition to using IM 2014-080 and COC designation to inform Gateway South siting, Gateway South should inform the WWEC re-evaluation process via the Corridor Study. Any corridor segment deemed not suitable for transmission development as a result of the Gateway South EIS should be removed from consideration as a WWEC.

IM 2014-080 directs permitting agencies to use applicable IOPs identified in the WWEC PEIS. The Gateway West DEIS incorporated a discussion of how its various sections, procedures, and mitigation measures conformed to the IOPs in Appendix H, but Gateway South does not. The IOPs will also be reviewed during the Corridor Study process, and the BLM and USFS committed to considering new IOPs for specific resources including, but not limited to, wildlife resources. While we support the use of IOPs as part of a broader framework to avoid, minimize, and mitigate the impacts of transmission corridor development, Defenders of Wildlife feels that the IOPs as identified in the WWEC PEIS are inadequate for the conservation of wildlife. The Western Solar Energy Program included "Design Features" that were intended to achieve the same outcomes as the IOPs – avoiding, minimizing, and/or mitigating the potential adverse effects of solar energy development. While the Design Features were developed to address solar energy development, most of them are applicable for transmission development in WWEC as well. The value of the Solar PEIS Design Features lies in their level of detail and specificity with regard to procedures and resources, the addition of which would greatly strengthen the WWEC IOPs. We recommend that the BLM and USFS incorporate the Design Features from the Solar PEIS into the WWEC as IOPs. The Solar PEIS Design Features are on pp. 43-145 of the Solar PEIS Record of Decision. As the Corridor Study is ongoing and results may not be available in time to include the new IOPs in the GWS FEIS, the BLM should review the Design Features established as part of the Western Solar Energy Program and incorporate any applicable as IOPs for GWS. The Final EIS should describe, similar to Appendix H of the Gateway West DEIS, how GWS reflects the IOPs as well as the Solar Energy Program Design Features. SI3x

Finally, a key purpose of the WWECs, reflected in the Settlement Agreement, is to consider how "Corridors [can] provide connectivity to renewable energy generation to the maximum extent possible while also considering other sources of generation, in order to balance the renewable

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Response(s)

SI3x The BLM believes the intent of the design features presented in the Western Solar Energy Program is inherent in the design features and/or mitigation measures established for the Project.

Comment(s)

SI3 — **Defenders of Wildlife (cont.)**

sources and to ensure the safety and reliability of electricity transmission."[6] Gateway South is part of Rocky Mountain Power's Energy Gateway transmission expansion program, meant to provide "power from existing, new renewable (e.g., wind, solar), and thermal (e.g., gas, coal) generation sources to meet growing customer needs, ease transmission congestion, and improve the flow of electricity throughout the West."[7] It is essential that in addition to fulfilling its reliability function, Gateway South serves as a conduit for responsibly-sited renewable energy generation from the Rockies and High Plains.

SI3y **Recommendation: Information from the Gateway South EIS should be reviewed as part of the WWEC Corridor Study, and any corridors deemed not suitable for transmission development based on wildlife and natural resource impacts during the Gateway South evaluation process should be removed from consideration as WWECs via the Gateway South Record of Decision and Land Use Plan Amendments.**

SI3z **Recommendation: Gateway South should include not only WWEC Interagency Operating Procedures, but also best management practices for avoidance, minimization, and mitigation from the Design Features developed as part of the BLMs Western Solar Energy Program. The Final EIS should describe how Gateway South addresses both the WWEC IOPs and the Solar Energy Program Design Features.**

SI3aa **Recommendation: The final alignment of Gateway South should be that which not only fulfills the reliability need, but also best facilitates responsible renewable energy development in the region.**

Introduction to our West-Wide Risk Analysis of WWECs

We note that while IM 2014-080 directs field officials to notify project proponents regarding potential for conflict in COCs, there may be other sources of conflict as well which should be taken account of in the decision-making process. Defenders has developed a geospatial analysis of potential wildlife risk from the WWECs and submitted it, along with an associated comment letter,[8] to the BLM and USFS as a response to their request for information to support the post-settlement Corridor Study and Regional Periodic Review of the WWECs (79 Fed. Reg. 17567, 3/28/14).

Our analysis included both coarse-scale and fine-scale data for selected species. Four coarse-scale, west-wide data sets were used in order to generate comparable scores for each WWEC segment: state **Crucial Habitat Assessment Tool (CHAT) values**,[9] **landscape permeability** (a model of habitat connectivity),[10] "**flowlines**" (a model of preferred routes across the landscape connecting permeable habitat),[11] and occurrences of NatureServe ranked G-1 and G-2 (globally **imperiled)**

[6] Settlement Agreement p. 6.
[7] GWS DEIS p. 1-1.
[8] Defenders of Wildlife (2014). GIS Risk Analysis of the West-Wide Energy Corridors (WWECs); Defenders of Wildlife Comment Letter re: Recommendations Related to the Request for Information: West-wide Energy Corridors Review, submitted May 27, 2014.
[9] Western Governors' Association Crucial Habitat Assessment Tool. Available at http://westgovchat.org/about.
[10] Theobald, D. M., Reed, S. E., Fields, K. and Soulé, M. (2012), Connecting natural landscapes using a landscape permeability model to prioritize conservation activities in the United States. Conservation Letters, 5: 123–133. doi: 10.1111/j.1755-263X.2011.00218.x
[11] Ibid.

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Response(s)

SI3y The analysis and documentation in the EIS have been updated to be consistent with BLM WO-IM No. 2014-080, Policy Guidance for Use of Corridors Designated Pursuant to Section 368 of the Energy Policy Act of 2005 as Required by the Settlement Agreement in Wilderness Society v. United States USDI, No. 3:09-cv-03048-JW (D. N.D. Cal), which was issued on April 10, 2014. Several alternative routes and route variations are considered outside of Corridors of Concern. For the alternative routes and route variations considered that are in Corridors of Concern, selective mitigation measures were applied where possible for the resource issues identified as concerns raised in Wilderness Society v. The BLM has reviewed the Interagency Operating Procedures (IOPs) identified in 2009 BLM Resource Management Plan Amendments and Record of Decision to confirm the intent of the IOPs is inherent in the design features and/or selective mitigation measures established for the Project. See response to Comment SI3a.

SI3z See response to Comment SI3x.

SI3aa See response to Comment SI3a.

Comment(s)

Response(s)

SI3 — **Defenders of Wildlife (cont.)**

species by watershed.[12] Additionally, we examined several fine-scale, individual key species datasets and maps, including (but not limited to) Greater sage grouse. Figure 2 shows the major results of our analysis for WWEC segments that overlap with GWS.

Applicability of our risk analysis to GWS

SI3ab
- **WWEC 73-133**: this segment overlaps in its entirety with the western-most portion of WYCO-C in Wyoming, and poses Very High risk to both landscape permeability and flowlines. We do not recommend selection of this route segment.

SI3ac
- **WWEC 126-218**: The COUT-A and COUT-B routes overlap with very small portions of this WWEC in eastern Utah. With a Very High risk score for CHAT resources and High scores for each of the other three categories, as well as a 62% overlap with greater sage-grouse Priority Areas for Conservation, we recommend routing to avoid the resources impacted by this segment.

SI3ad
- **WWEC 66-212**: This corridor was identified as "of concern," in large part because of its proximity to portions of Arches National Park. In addition, it scores Very High risk to flowlines and High risk to permeability. It is a long segment with numerous GWS route alternatives overlapping it at different junctures. GWS route selection should avoid the issues of concern with this segment, as well as avoid Very High risk to the number and magnitude of flowline crossings and to landscape permeability. Work closely with state and federal wildlife and science agencies to ensure that connectivity is maintained, and where flowlines must unavoidably be crossed, minimize impacts to connectivity.

SI3ae
- **WWEC 66-259**: This corridor was identified as "of concern," and is overlapped in its entirety by the COUT-A routes. With a Very High risk score for CHAT resources and a High risk score for for permeability, as well as a 53% overlap with greater sage-grouse Priority Areas for Conservation, we recommend routing to avoid this segment.

SI3af
- **WWEC 126-258**: This Corridor of Concern poses High risk to landscape permeability and imperiled species, and is overlapped for most of its length by the COUT-A and COUT-B routes.

Name	CHAT Score	Flow-lines Score	Permea-bility Score	Imperiled Species Score	% int. w GSG PACs	GSG impt. breeding areas
73-133	4.05	8.60	8.51	1.82	19%	yes
126-218	7.44	7.46	7.44	3.13	62%	yes
66-212	3.75	9.80	7.04	2.42	2%	yes
66-259	8.98	0.00	7.39	0.44	53%	yes
126-258	4.46	5.12	7.08	4.62	0%	
138-143	7.66	5.87	4.26	2.18	31%	yes
126-133	7.23	5.02	5.63	0.08	33%	yes
78-138	3.74	4.53	4.96	1.99	46%	yes
133-142	8.78	1.96	5.50	0.92	47%	yes
66-209	8.08	0.00	3.73	1.71	0%	

Figure 1: WWEC segments with some overlap with GWS, and results of Defenders' geospatial risk analysis. Scores in red are Very High risk relative to other segments for that category, scores in orange are High, yellow are Medium, light green are Low, and dark green are Very Low. WWEC segments 126-258, 66-212, and 66-259 in Utah were identified as "corridors of concern."

[12] NatureServe Analysis of Imperiled or Federally Listed Species by HUC-12, October 2011. Note that this dataset, while extremely valuable in its detailed aggregation at the HUC-12 watershed level, does not represent the most recent available information from NatureServe (which updates its HUC-8 datasets more frequently). We used it in our analysis to provide a west-wide window onto local concentrations of imperiled species, but WWEC-specific analysis should identify best-available datasets in order to get a comprehensive understanding of potential impacts to imperiled species.

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SI3ab Comment and route preference noted.

SI3ac Comment and route preference noted.

SI3ad Comment and route preference noted.

SI3ae Comment and route preference noted.

SI3af Comment noted.

Comment(s)

SI3 — **Defenders of Wildlife (cont.)**

SI3ag

- **WWEC 138-143**: This segment overlaps with long portions of WYCO-D. The WWEC segment scores Very High Risk to CHAT resources, and has a 31% overlap with Greater sage-grouse PACs. If this route is used, we recommend following the National Technical Team's recommendations to exclude new infrastructure ROWs and avoid all new energy infrastructure development within Greater Sage-grouse PACs. Use the full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas. Consult closely with state fish & game agencies and WGA to implement the full mitigation hierarchy of avoidance, minimization, and compensation for CHAT resources at "Very High" risk.

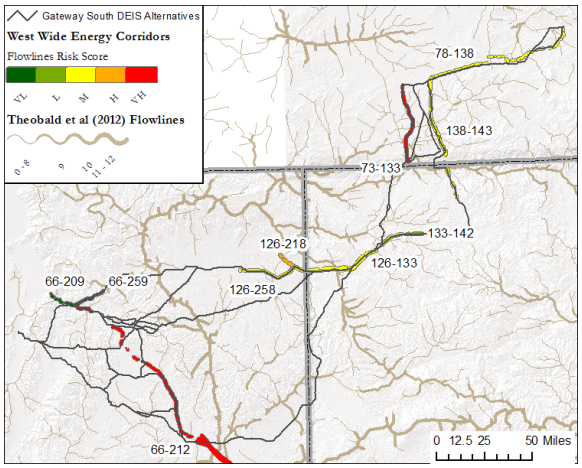

Figure 3: Flowlines, GWS segments, and WWECs scored by risk to flowlines.

SI3ah

- **WWEC 126-133**: All GWS route alternatives pass through this WWEC segment in northwest Colorado and northeast Utah. The WWEC segment scores Very High Risk to CHAT resources, and has a 33% overlap with Greater sage-grouse PACs. If this route is used, we recommend following the National Technical Team's recommendations to exclude new infrastructure ROWs and avoid all new energy

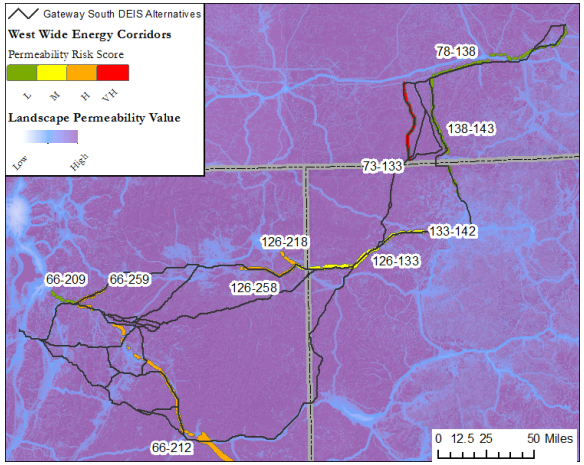

Figure 4: Landscape Permeability (Theobald et al 2012), GWS routes, and WWECs scored by risk to permeability.

15

Response(s)

SI3ag

Recommendation noted. BLM acknowledges the potential adverse impacts on biological resources along this segment. For this reason, this segment is not included as part of the Agency Preferred Alternative.

Under any of the alternative routes and route variations, the Applicant would develop a voluntary sage-grouse conservation and mitigation plan in coordination with the agencies for the Agency Preferred Alternative (refer to Appendix K). The mitigation plan will offer measures to avoid, minimize, or compensate for all Project effects characterized by the framework and identified in the EIS that could not be mitigated or avoided using measures in BLM or other agency plans, including losses of habitat services quantified using the HEA.

SI3ah

See response to Comment SI3ag.

Comment(s)

SI3 — **Defenders of Wildlife (cont.)**

infrastructure development within greater sage-grouse PACs. Use the full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas. Consult closely with state fish & game agencies and WGA to implement the full mitigation hierarchy of avoidance, minimization, and compensation for CHAT resources at "Very High" risk.

SI3ah

- **WWEC 78-138**: All WYCO routes pass through or near substantial portions of this WWEC segment in Wyoming, which has a 46% overlap with greater sage-grouse PACs. If this route is used, we recommend following the National Technical Team's recommendations to exclude new infrastructure ROWs and avoid all new energy infrastructure development within greater sage-grouse PACs. Use the full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas.

SI3ai

- **WWEC 133-142**: The WYCO-D routes pass through this segment in northwest Colorado. The WWEC segment scores Very High Risk to CHAT resources, and has a 47% overlap with Greater sage-grouse

SI3aj

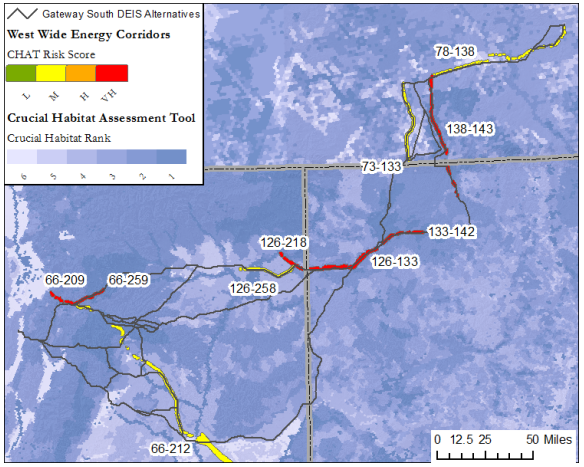

Figure 5: Crucial Habitat Assessment Tool (CHAT) values across the landscape, GWS segments, and WWECs scored by risk to CHAT resources.

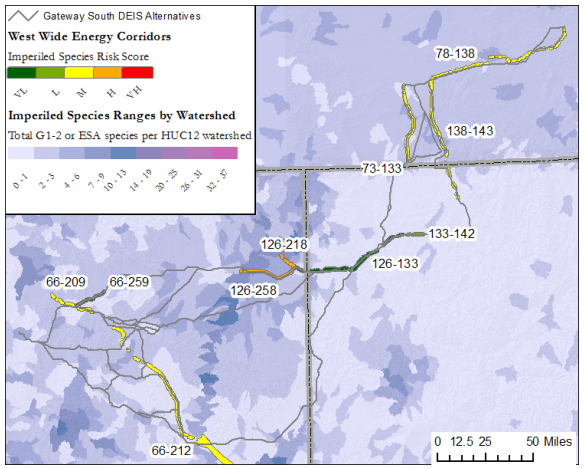

Figure 6: Concentrations of imperiled species by HUC-12 watershed, GWS routes, and WWECs scored by risk to CHAT resources.

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Response(s)

SI3ai

See response to Comment SI3ag.

SI3aj

The analysis and documentation in the EIS have been updated to be consistent with BLM WO-IM No. 2014-080, Policy Guidance for Use of Corridors Designated Pursuant to Section 368 of the Energy Policy Act of 2005 as Required by the Settlement Agreement in Wilderness Society v. USDI, No. 3:09-cv-03048-JW (D. N.D. Cal), which was issued on April 10, 2014. Several alternative routes and route variations are considered outside of Corridors of Concern. For the alternative routes and route variations considered that are in Corridors of Concern, selective mitigation measures were applied where possible for the resource issues identified as concerns raised in Wilderness Society v. USDI. The BLM has reviewed the IOPs identified in 2009 BLM Resource Management Plan Amendments and Record of Decision to confirm the intent of the IOPs is inherent in the design features and/or mitigation measures established for the Project. Further, as explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation).

Comment(s)

Response(s)

SI3 **Defenders of Wildlife (cont.)**

SI3aj

PACs. If this route is used, we recommend following the National Technical Team's recommendations to exclude new infrastructure ROWs and avoid all new energy infrastructure development within greater sage-grouse PACs. Use the full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas. Consult closely with state fish & game agencies and WGA to implement the full mitigation hierarchy of avoidance, minimization, and compensation for CHAT resources at "Very High" risk.

- **WWEC 66-209**: The COUT-A, B, and C routes overlap with a very small portion of this WWEC segment in northeast Utah.

Conclusion

Thank you for the opportunity to submit comments on this project. We look forward to continuing to work with the BLM on refining this innovative approach to mitigation for Gateway South and future developments. If you have any questions, please contact jbelak@defenders.org.

Sincerely,

Jon Belak
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jbelak@defenders.org

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Defenders of Wildlife
ecava@defenders.org

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Comment(s)

Response(s)

SI4 | **National Parks Conservation Association**

Southwest Region | 307 West 200 South, Suite 5000 | Salt Lake City, UT 84101 | 801.521.0785

May 22, 2014

Delivered via electronic mail (GatewaySouth_WYMail@blm.gov) and U.S. mail.

Tamara Gertsch
National Project Manager
Energy Gateway South Project
Bureau of Land Management
P.O. Box 21150
Cheyenne, WY 82003

Public Comments regarding Gateway South Transmission Project Draft Environmental Impact Statement

Dear Ms. Gertsch,

The National Parks Conservation Association provides the following comments regarding the Draft Environmental Impact Statement (DEIS) prepared by the Bureau of Land Management (BLM) for the Gateway South Transmission Line Project.

Gateway South Transmission Line Project (GS)

As proposed, Pacificorp's Gateway South (GS) Project is a two-mile wide transmission corridor which would convey 500 kV of power up to 540 miles through three states – extending from the Aeolus Substation near Medicine Bow, Wyoming through northwest Colorado and Utah to the Clover Substation in Mona. The project proposes to cross private property as well as lands owned or administered by several federal agencies including lands managed by the National Park Service (NPS).

Within the corridor, Pacificorp proposes to develop a 250-foot Right-of-Way (ROW) to site industrial-scale transmission infrastructure including steel lattice and H-frame towers between 100 and 200-feet tall as well as two series compensation stations.

National Parks Conservation Association (NPCA)

The mission of the National Parks Conservation Association (NPCA) is to protect and enhance America's National Parks for present and future generations. Founded in 1919, currently with more than 800,000 members and supporters, headquarters in our nation's capital and 23 regional and field offices, NPCA plays a crucial role in protecting America's treasured parks.

Overall Impressions and Advocacy for Appropriate Siting

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Comment(s)

Response(s)

SI4 | **National Parks Conservation Association (cont.)**

NPCA will focus our comments on alternatives within the DEIS that would breach National Park System (NPS) boundaries at Dinosaur National Monument (NM). We appreciate that the project proponent recognizes the intention of the National Park Service Organic Act of 1916, and that the applicant preferred route seeks to avoid breaching NPS boundaries. We ask that the BLM reconsider the agency preferred alternative through Dinosaur National Monument.

As noted, the NPS Organic Act is pointed "… to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

We commend the BLM for thorough processes, as mandated by the National Environment Policy Act (NEPA), in assembling this DEIS. We specifically note that the DEIS evaluates a broad array of potential impacts on Specially Designated Areas (SDA's), units of "land managed by federal or state agencies for the protection of specific resource values" of which national park units are included.

Our position on large-scale energy generation systems and transmission corridors is generally that they should be preferentially sited on disturbed lands, ideally co-located with existing industrial or transportation corridors, where they will have less impact. We also advocate that energy development and facilities and transmission corridors should avoid high-value conservation areas including units of the national park system – in this case Dinosaur National Monument - as well as federally designated wilderness and wildlife management areas.

We note that in the case of the Gateway South Project, location of energy corridors and their related visual impacts could adversely impact the natural, recreational and cultural resources that make our national parks so special. Visual impacts alone could have an unfavorable influence on park visitation and weaken the tourism economy of local communities.

As noted in the 2006 NPS Management Policies:

> "… the Service will seek the cooperation of others in minimizing the impacts of influences originating outside parks by controlling noise and artificial lighting, maintaining water quality and quantity, eliminating toxic substances, **preserving scenic views,** improving air quality, preserving wetlands, protecting threatened or endangered species, eliminating exotic species, managing the use of pesticides, protecting shoreline processes, managing fires, managing boundary influences, and using other means of preserving and protecting natural resources (emphasis added)[1]."

Dinosaur National Monument

When President Woodrow Wilson used the Antiquities Act to designate Dinosaur NM he set aside and protected a unique place that in addition to being exquisitely beautiful also contains one of the most complete Jurassic era fossil beds in the world. Now, more than 200,000 people travel to Dinosaur NM annually to enjoy its beauty and journey back some 150 million years to when the earth was ruled by the Stegosaurus, Torvosaurus and Dryosaurus. Notably, visitors to Dinosaur NM power the economies of northwest Colorado and northeast Utah by spending nearly $6.8 million locally every year. And these numbers continue to grow as visitation increased by as much as 50% with the recent opening of a new visitor center and the

[1] National Park Service. 2006 Management Policies. 4.14

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Comment(s)

Response(s)

SI4 | **National Parks Conservation Association (cont.)**

reopening of the Quarry Hall.

The Monument was established by Presidential Proclamation 1313 on Oct 4, 1915 as an 80-acre monument to preserve the outstanding fossil resources at the dinosaur quarry north of Jensen, UT[2]. In 1938, the monument was enlarged to 203,885 acres by Presidential Proclamation 2290[3]and specifically identified Dinosaur NM Monument as an area to be administered for the purposes of preservation of natural resources and public use. Based on both proclamations, the purpose of Dinosaur NM is to provide for the protection and visitor enjoyment of the outstanding fossil resources and the scenic canyon areas of the Green and Yampa Rivers.

According to Dinosaur NM's General Management Plan (1986, last revised 1988), following a controversy in the 1950s that culminated in decisions not to construct major dams within the monument, Congress enacted legislation that specified direction for future use and preservation of the monument. This law made minor revisions to the boundary, enlarging the monument to 211,142 acres and authorized acquisition of land for construction of entrance roads and administrative sites[4]. The law designated a park entrance road 12.6 miles in length, extending northerly and westerly from U.S. Hwy. 40 to the Dinosaur NM boundary near Deerlodge Park. The designation includes a 200-foot wide ROW and 400-foot scenic easements on either side of the road. The 1,000-foot. wide Deerlodge Park Road corridor was formally selected by the Secretary of Interior, effective September 10, 1985. The Federal Register notice states "the lands included in this notice constitute a part of Dinosaur National Monument and therefore are subject to the laws and regulations applicable thereto[5]."

The Dinosaur NM General Management Plan clearly states, "The main purpose of the corridor aside from the road right-of-way is to provide scenic protection between US 40 and Deerlodge Park. Development within the authorized easement area would diminish the visual qualities of this rangeland foreground[6]." The plan further states that only agricultural and recreational uses, compatible with protection of scenic values, would be allowed in this special use zone and incompatible uses listed include commercial and industrial uses and uses that damage scenic resources.

Transmission Corridor Options near Dinosaur National Monument

Micro-siting alternatives outlined in the DEIS where Highway40 abuts the recently established Tuttle Conservation Easement and the east entrance to Dinosaur NM, Deer Lodge Road, highlight the challenges of minimizing impacts from industrial scale transmission lines to sensitive land, particularly those to Dinosaur NM, the only national monument within the analysis area.

According to the DEIS, alternatives WYCO-B, WYCO-C, WYCO-D and WYCO-F all converge into the same 2-mile corridor near the intersection of Hwy 40 and Deer Lodge Road and are subject to the micro-siting alternatives outlined in section 2.5.2.1.

How significant the impacts are to Dinosaur NM resources, visitors and the long-term protection of this national park unit will be determined primarily by the choice of where the 250-foot-wide transmission line ROW is located within the 2 mile corridor at the Dinosaur NM entrance. We, therefore, focus our comments on the micro-siting adjustments that propose to locate the ROW along the north edge of the

[2] Presidential Proclamation 1313. 39 Stat. 1752
[3] Presidential Proclamation 2290. 53 Stat. 2454
[4] Public Law 86-729, Sept 8, 1960; 74 Stat. 857
[5] Federal Register Vol 50, No 175; Sept 10, 1985
[6] Dinosaur National Monument, General Management Plan. Page 146.

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Comment(s)

Response(s)

SI4 **National Parks Conservation Association (cont.)**

Tuttle property and those within Dinosaur NM lands.

NPCA opposes alternatives WYCO-B-2 (Agency preferred), C-2, and F-2 (Link C93), which are proposed as alternatives to crossing the Tuttle Conservation Easement. These options cross congressionally designated Dinosaur NM land and prevent the NPS from fulfilling the specific purpose for which the Deerlodge Road corridor was established and was clearly stated in its General Management Plan – to protect visual quality for future generations.

SI4a

The DEIS acknowledges in Section 3.2.16, Special Designations:

> This route variation also would generate high impacts on Deerlodge Road, access to Dinosaur National Monument, as well as the national monument itself. Due to the limited influence from the existing transmission lines, views from this portion of the Dinosaur National Monument would be dominated by the Project.

A high voltage transmission line crossing the National Park Service-managed corridor along Deer Lodge Road would be an incompatible use both because it is commercial and it would damage the scenic resources for every visitor entering the east end of Dinosaur NM. Of note, project access roads, staging areas and series conservation stations would also be incompatible uses along the Deerlodge Road corridor, requiring a permit from the National Park Service.

SI4b

The National Park Service Organic Act requires the highest level of protection for areas and sites that have been congressionally legislated or designated through presidential authority. As such, alternatives outlined in the DEIS – specifically, micro-siting options WYCO B-2 (Agency preferred), C-2 and F-2 (Link C93) – should be considered contrary to the intent of establishing Dinosaur NM.

Micro-siting Options that Minimize Impacts to Dinosaur National Monument

Based on the information outlined in the DEIS, NPCA has identified the routing options through the Tuttle Conservation Easement (WYCO-B (Applicant preferred), C, D and F) as having less impact to NPS land. These routes all avoid transmission siting in nearby Dinosaur NM, where DOI has a responsibility to protect and preserve a unit of the National Park Service for future generations.

SI4c

The DEIS states that the visual impact from WYCO-B-3, C-3, D-1, and F-3 will minimize visual impacts on the viewshed of Dinosaur NM, even though the monument is within the route study corridor for these route variations . Section 3.2.16, Special Designations states:

> Route Variation WYCO-B-3 would be similar to Alternative WYCO-B except for reduced impacts on views from Deerlodge Road, Dinosaur National Monument, and U.S. Highway 40 due to the Project being located closer to the existing transmission lines and would therefore result in weaker visual contrast on these views.

SI4d

It is difficult to assess the potential impacts from the two alternatives across the Tuttle Conservation Easement due to the lack of detail in both the descriptions and maps provided in the DEIS. We, therefore, cannot adequately distinguish between these alternatives so the following comments refer to both.

For the TransWest Express Transmission line project, BLM identified the route southeast of Hwy 40 as the preferred route after four years of development, federal siting review, and public scoping input, and it has been favored particularly because

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SI4a The assessment of compliance with the Dinosaur National Monument General Management Plan has been included in the Final EIS for all route variations in proximity to Deerlodge Road (refer to Appendix G).

SI4b See response to Comment SI4a. The BLM would issue a 250-foot-wide right-of-way grant across the lands it administers that is consistent with applicable regulations, recognizing the Applicant must acquire all access permissions and permits for lands outside of their jurisdiction.

SI4c Comment and route preference noted.

SI4d Based on comments received from the National Park Service, an appendix has been included in the Final EIS that describes in more detail the effects on Dinosaur National Monument from the different route variations in this area (refer to Appendix G).

Comment(s)

Response(s)

SI4 **National Parks Conservation Association (cont.)**

it parallels two existing transmission lines south of Hwy 40. Relocating the original proposal slightly north (WYCO-B-3, C-3, D-1 and F-3) means it could run as close as 250 feet to the existing southernmost line, the Bears Ears-Bonanza 345 kV Transmission Line, for the entire length of the 3-mile segment through the Tuttle property. Following existing linear features, as opposed to creating new "greenfield" corridors, minimizes the transmission line's overall environmental footprint.

SI4e

It was only after the establishment of the Tuttle Conservation Easement in August 2012 that alternative routes over National Park Service land and through undisturbed land was publicly proposed and considered. In his letter to the BLM, National Park Service and US Fish and Wildlife Service dated April 25, 2013, Colorado Parks and Wildlife former Director Rick Cables strongly opposed the crossing of three miles of the Tuttle Conservation Easement as requested by the TransWest Express Transmission project applicant. In his letter, former Director Cables sets up an either/or proposition between impacts to critical and threatened species habitat with the micro-siting option across the recently established Tuttle Conservation Easement and impacts to Dinosaur NM resources with the option across congressionally designated National Park System land.

This chokepoint is critical for wildlife habitat, including greater sage-grouse, elk, mule deer, greater prairie dog and black footed ferret, and the DEIS acknowledges there will be unavoidable impacts with each of the proposed options. The analysis concludes that these transmission line impacts to wildlife habitat would be relatively equal with any of the micro-siting alternatives. Pushing the transmission line northwest over Deear Lodage Road, however, would result in increased habitat fragmentation as construction would be located in an area with no existing overhead transmission lines. In addition to crossing National Park System land and fragmenting wildlife habitat, moving the ROW northwest places the transmission line significantly closer to lands with wilderness characteristics and citizen proposed wilderness.

SI4f

We recognize and appreciate the challenges Colorado Parks and Wildlife faces if they allow the new Tuttle Conservation easement to be breached by high voltage transmission lines, as outlined in their letter of April 2013. We do not believe, however, that pushing the 250-foot ROW into Dinosaur NM, is a viable solution to a complication created when the conservation easement was established in August 2012.

We agree with the conclusion drawn in the DEIS that micro-siting options through the Tuttle Conservation Easement remain a viable alternative to crossing Dinosaur NM and per 2006 NPS Park Management Policy, " ROWs may be issued only pursuant to specific statutory authority, and generally only if there is no practicable alternative to such use of NPS lands[7]." We understand this is a complicated decision and commit to working with the BLM, Colorado Parks and Wildlife and other stakeholders to identify an adequate solution.

Summary and Support for Cumulative Considerations

SI4g

We thank the Applicant and Agency for analysis that supports the protection and preservation of lands congressionally and presidentially designated to be managed by the National Park Service. As such we support alternatives with the least conflict to Dinosaur NM and point out that these identified alternatives will require commitments for mitigation from Pacificorp and the BLM.

Furthermore, we point to the cumulative impacts of this project, and likely at least

[7] National Park Service, 2006 Management Policies, 8.6.4.1

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SI4e See responses to Comments SI4a and SI4b.

SI4f Comment and route preference noted.

SI4g Comment and route preference noted.

Comment(s)

SI4 **National Parks Conservation Association (cont.)**

two other transmission projects, the TransWest Express Transmission Line Project and the Zephyr Power Transmission Project. Meticulous decision-making on Gateway South is essential, in concert with these other projects.

In addition, we support the position that other conservation groups and stakeholders have taken with regards to guidelines for decision-making in siting energy facilities and transmission infrastructure, specifically points 4 and 5, on page 4 Gateway South DEIS Comments (Audubon Rockies and partners – 5-22-14):

SI4h

> Transmission efficiency. This means using existing corridors and lines more efficiently – removing bottlenecks, upgrading wires and connections, adding "smart grid" features that increase grid capacity and flexibility, and eliminating redundancy. Operational efficiencies such as Balancing Authority Area coordination should also be considered.
>
> Right-sized growth. Transmission resources need to make the best use of existing corridors and new developments should be scalable so that fewer corridors will be needed in the future. An example of this would be constructing a tower to which an additional circuit could later be added, or to which a higher voltage rating could be obtained through reconductoring at a later time. Efficiently scaling transmission also reduces carbon emissions by reducing line losses.

We also broadly support concerns and recommendations identified by other conservation groups and stakeholders, in the Gateway South DEIS Comments (Audubon Rockies and partners – 5-22-14), as listed below:

SI4i - An explicitly stated outcome that "Existing special designations described in federal land management land use plans to protect biological, scenic, visual, cultural, and historic resources must be maintained and honored,"

SI4j - Recommendations to reduce disturbance during construction which includes commitment to remove a minimal amount of vegetation,

SI4k - Recommendations to require special procedures and training of construction workers as regards sensitive species,

SI4l - Concern about specific avian species and recommendations for how towers and lines are designed and constructed, and an enforced Avian Protection Plan,

SI4m - Commitment that mitigation wll not be limited solely to biological resources but should address impacts to a range of values including wilderness characteristics and visual resources which would require that BLM update its inventory of federal lands along the GS route(s),

SI4n - Adherence to settlement considerations in litigations regarding the Westwide Energy Corridor (WWEC),

SI4o - Support to eliminate consideration of proposed sections that travel through undisturbed land, and

- Support to eliminate consideration of proposed sections that travel near and within site of the San Rafael Swell.

We thank you for your consideration of the mandates of America's national park system. NPCA thanks Pacificorp and the BLM for this opportunity to comment.

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Response(s)

SI4h It is not the BLM's role or responsibility to verify the Applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by PacifiCorp is scrutinized by the Public Utilities Commission. The responsibility of the BLM and other land-management agencies is to respond the application for right-of-way across lands it administers.

SI4i The management prescriptions for special designations and other management areas will be honored and selective mitigation measures will be applied to the resource being managed (e.g., biological resources) to reduce any effects to these managed areas.

SI4j Comment noted.

SI4k As identified in design features of the Proposed Action for environmental Protection (Table 2-8), Design Feature 28 states that prior to construction, the CIC would instruct all personnel on the protection of cultural, ecological, and other natural resources such as (a) federal and state laws regarding antiquities, paleontological resources and plants and wildlife, including collection and removal; (b) the importance of these resources; (c) the purpose and necessity of protecting them; and (d) reporting and procedures for stop work.

SI4l See next page for respone to SI4l

SI4m Selective mitigation measures identified for the Project would be applied to other resources as well as to biological resources (refer to Table 2-13).

SI4n See next page for response to SI4n.

SI4o Comment and route preference noted.

Comment(s)

SI4 **National Parks Conservation Association (cont.)**

Response(s) - continued

SI4l

As explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation).

As described in Section 2.5.1.2 of the EIS, after initial impacts were identified for each resource, measures to mitigate impacts for environmental protection (refer to Table 2-13) were applied to avoid, reduce, or minimize moderate or high impacts. This information is recorded for every alternative route and route variation considered in the EIS. Once an alternative route or route variation is selected, the Applicant would coordinate with the BLM and other land-management agencies or landowners, as appropriate, to refine the implementation of mitigation at specific locations or areas. For example, if a road closure was recommended, the Applicant would work with the applicable land-management agency or landowner to determine the specific method of road closure most appropriate for the site or area (e.g., barricading with a locking gate, obstructing access on the road using an earthen berm or boulders, revegetating the roadbed, or obliterating the road and returning it to its natural contour and vegetation). This detailed mitigation would be incorporated into the POD prior to Project construction. In other words, the selective mitigation measures applied during impact analysis and mitigation planning will be carried forward from the EIS and refined by resource surveys conducted for the selected route. Where substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation) and developed in coordination with cooperating agencies for the selected route.

Also, when applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation, to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

Information on compensatory mitigation established for greater sage-grouse along the Agency Preferred Alternative would be included in the Final EIS. Any compensatory mitigation information for special status plants along the Agency Preferred Alternative also would be included in the Final EIS, if available.

Comment(s)

SI4 **National Parks Conservation Association (cont.)**

Sincerely,

Cory MacNulty
Program Manager
Southwest Region

Cc: Mark Foust, National Park Service
Patrick Malone, National Park Service
Andrew Montano, National Park Service

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Response(s)

SI4n

The analysis and documentation in the EIS have been updated to be consistent with BLM WO-IM No. 2014-080, Policy Guidance for Use of Corridors Designated Pursuant to Section 368 of the Energy Policy Act of 2005 as Required by the Settlement Agreement in Wilderness Society v. USDI, No. 3:09-cv-03048-JW (D. N.D. Cal), which was issued on April 10, 2014. Several alternative routes and route variations are considered outside of Corridors of Concern. For the alternative routes and route variations considered that are in Corridors of Concern, selective mitigation measures were applied where possible for the resource issues identified as concerns raised in Wilderness Society v. USDI. The BLM has reviewed the IOPs identified in 2009 BLM Resource Management Plan Amendments and Record of Decision to confirm the intent of the IOPs is inherent in the design features and/or selective mitigation measures established for the Project. Further, as explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation).

Comment(s)

Response(s)

SI5 | **Sierra Club**

May 22, 2014

Delivered via electronic mail (GatewaySouth_WYMail@blm.gov) and U.S. mail (with attachments).

Tamara Gertsch
National Project Manager
Energy Gateway South Project
Bureau of Land Management
P.O. Box 21150
Cheyenne, WY 82003

Re: **Comments on Gateway South Transmission Draft Environmental Impact Statement**

Dear Ms. Gertsch:

These comments on the Draft Environmental Impact Statement (DEIS) for the proposed Gateway South transmission project (GWS) are submitted on behalf of the Sierra Club.

The Sierra Club is a national nonprofit organization of approximately 2.1 million members and supporters dedicated to exploring, enjoying and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Sierra Club's goals include rapidly increasing our use of energy conservation and renewable energy to reduce global warming and end our nation's dependence on fossil fuels. However, we believe that renewable energy generation and transmission, like all development, should be sited and operated sustainably to avoid or minimize impacts to sensitive wildlife and landscapes.

The Sierra Club has worked cooperatively with other conservation organizations to submit National Environmental Policy Act of 1969 (NEPA) comments on proposed transmission lines we understood to carry remote renewable energy to cities and towns. We are concerned that GWS will impact sensitive wildlife including the Greater Sage-Grouse and undeveloped wildlands. Additionally, we are very concerned that the need for GWS is overestimated, that any need could be met in other ways with fewer impacts, and that GWS may carry electricity generated from fossil fuels. These concerns are reinforced by the results of a report prepared by Synapse Energy Economics, which is attached (Attachment A) and incorporated by this reference.

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Long-term, environmentally responsible success of BLM's renewable energy and transmission programs – and Interior's New Energy Frontier – depends on implementing policies and guidelines that prioritize renewable generation and transmission projects in locations that avoid or minimize conservation impacts. Transmission must be planned and sited to protect biological and cultural values while providing access to clean energy, enhancing energy efficiency efforts, and limiting use of polluting fossil fuels. Given the scale of renewable energy generation and transmission projects needed to meet the Secretary's and President's renewable energy goals, and very real physical constraints on where these lines can be located, resources should not be directed to projects which are unsuitable.

Our comments address the following weaknesses in the DEIS[1]:

- The DEIS did not adequately demonstrate the need for GWS in the purpose and need sections
- The DEIS did not adequately explore non-transmission alternatives
- The DEIS did not adequately explore the long-term impacts associated with the proposed transmission project
- The DEIS did not incorporate or analyze information on market development changes and how these changes will influence utilization of the proposed transmission line
- The DEIS did not include important information regarding how significant environmental impacts will be mitigated

I. THE DEIS DID NOT ADEQUATELY DEMONSTRATE THE NEED FOR THE PROPOSED TRANSMISSION PROJECT IN THE PURPOSE AND NEED SECTIONS

NEPA "emphasizes the importance of coherent and comprehensive upfront environmental analysis to ensure informed decision-making so that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." The DEIS for this proposed project is based on outdated information, and it far from certain that the project is needed at all.

[1] Additionally, we support many of the recommendations included in the comment letter, Gateway South Draft Environmental Impact Statement (EIS) Comments (TWS, Audubon Rockies and partners), specifically recommendations related to: design features to avoid, minimize or mitigate impact, and areas with high potential for biological impacts that should be avoided, although our recommendations do not propose or support a least impactful route. We also support the recommendations of Defenders of Wildlife regarding potential impacts to black-footed ferret and golden eagle.

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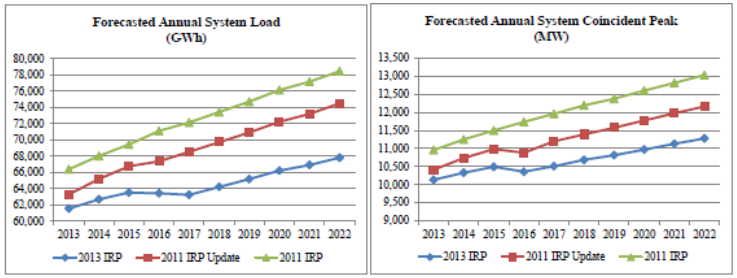
In addition, the DEIS provided an inadequate range of project alternatives and failed to properly consider the proposed project's impacts on climate change.

A. BLM MUST UPDATE THE DEIS TO REFLECT THE MOST RECENT PACIFICORP INTEGRATED RESOURCE PLAN.

SI5a

The 2014 DEIS cites important data from PacifiCorp's 2011 Integrated Resource Plan (IRP),[2] which predates the DEIS by nearly three years even though the DEIS directly referenced PacifiCorp's 2013 IRP.[3] The use of old data compromises the DEIS's analysis because the 2013 IRP PacifiCorp lowered many of the growth forecasts cited in the DEIS. The following figures taken from the 2013 PacifiCorp IRP Update, dated April 2013, show how the load forecast from the 2011 IRP (green line with triangles) are much higher than the 2013 IRP (blue line with diamonds).

Figure 1: Figure ES.1 from PacifiCorp 2013 IRP



The difference in Forecasted Annual System Coincident Peak in 2023 is approximately 1,800 MW (13,000 MW - 11,200 MW = 1,800 MW). This is significant because GWS is projected to carry 1,500 MW of capacity, and the difference between the load forecast vintages exceeds the carrying capacity of the proposed line.[4] PacifiCorp's updated data calls into question the actual need for the proposed project. In order to comply with NEPA, BLM must revise the DEIS to reflect the most recent information on growth forecasts.

[2] US Department of Interior Bureau of Land Management. Draft Environmental Impact Statement and Land-use Plan Amendments for the Energy Gateway South Transmission Project. BLM/WY/PL-14/009+5101, Case File: WYW-174597. Volume1-A. February 2014.

[3] PacifiCorp. 2013 PacifiCorp Integrated Resource Plan Volume 1. March 30, 2013. Available at http://www.pacificorp.com/content/dam/pacificorp/doc/Energy_Sources/Integrated_Resource_Plan/2013IRP/PacifiCorp-2013IRP_Vol1-Main_4-30-13.pdf.

[4] BLM. (2014). Page S-3.

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It is not the BLM's role or responsibility to verify the applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by PacifiCorp is scrutinized by the Public Utilities Commission. The responsibility of the BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers. The most readily available information was used during development of the Draft EIS. The BLM understands that PacifiCorp prepares its IRP on a biennial schedule, filing its plan with state utility commissions during each odd numbered year. For even-numbered years, PacifiCorp updates its preferred resource portfolio and action plan by considering the most recent resource cost, load forecast, regulatory, and market information. Updates to the IRP are available to the public at http://www.pacificorp.com/es/irp.html. Based on the current schedule for the Final EIS, the 2013 IRP Update is the most current information. Appendix A of the Final EIS has been updated to reflect the 2013 IRP Update. BLM understands from PacifiCorp that preparation of the 2015 IRP Update is currently underway and will be available in March 2015.

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SI5b The DEIS's description of PacifiCorp's energy usage growth and resource needs is stale information and must be updated. According to the DEIS, energy usage growth will be 2.3 percent per year for the next five years and 2 percent each year over the next ten years.[5] This information is based on the 2011 IRP and does not reflect the Company's current forecast.[6,7] The 2013 IRP projects a peak load growth compound annual growth rate of 1.2 percent from 2013-2022. Energy growth in the 2013 IRP is at an annual average growth rate of 1.08 percent for 2013-2022, well below the 2 percent noted in the DEIS.[8] The annual average growth rate for the five years (2013-2017) is 0.68 percent, well below the 2.3 percent for the next five years cited in the DEIS. BLM's energy growth rates for PacifiCorp must be updated to be consistent with PacifiCorp 2013 IRP values.

B. THE DEIS'S DESCRIPTION OF PACIFICORP'S RESOURCE NEEDS DID NOT REFLECT UPDATED INFORMATION AND, TO BE ACCURATE, MUST BE UPDATED.

According to the DEIS, PacifiCorp currently has 12,500 MW of existing resources and projects that it will need 15,000 MW of resources (including a 13 percent reserve margin) by 2023.[9] The DEIS summarized this information as a graphic in Figure 4 of Appendix A, which is shown below.[10]

[5] BLM. (2014). Page S-3.

[6] PacifiCorp. 2011 Integrated Resource Plan Volume 2. March 31, 2011. Table A.9. Page 11.

[7] Table A.9 indicates that the 2011-2020 average annual growth rate is 2.1 percent. The average annual growth rate for the five years 2011-2015 is 2.4 percent. These values are slightly different that the growth rates reported in the DEIS.

[8] PacifiCorp. 2013. Appendix A. Page 30.

[9] BLM. (2014). Page S-3.

[10] BLM. (2014). Page A-8

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SI5b See response to Comment SI5a.

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Figure 2: PacifiCorp Existing Resources and Future Needs from Figure 4, Appendix A

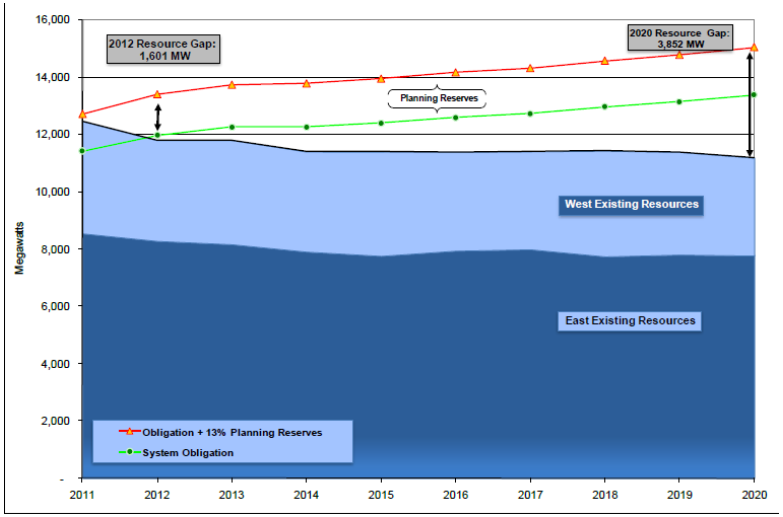

Figure 4 is taken from Figure ES.2 System Capacity Resource Gap from the PacifiCorp 2011 IRP.[11] The figure projects that PacifiCorp will have a resource gap of 3,852 MW by 2020.[12] Inconsistent with NEPA, the DEIS relied upon dated forecasts and did not reflect current forecasts made by PacifiCorp.

SI5c

The 2013 IRP referenced in the DEIS contains different forecasts of existing capacity and resource needs. For example, the 2013 IRP uses a lower existing resource capacity of 10,010 MW (2013) versus 12,500 MW (2011) cited in the DEIS.[13] The drop in existing capacity reflects the current resource needs of PacifiCorp. The 2013 IRP forecasts resource needs (including reserves) of 11,762 MW, or 3,238 MW lower than the 15,000 MW resources needed in 2020

SI5c See response to Comment SI5a.

[11] PacifiCorp. 2011 Integrated Resource Plan Volume 1. March 31, 2011. Page 3.
[12] BLM (2014). Page A-7.
[13] PacifiCorp. (2013). Page 5.

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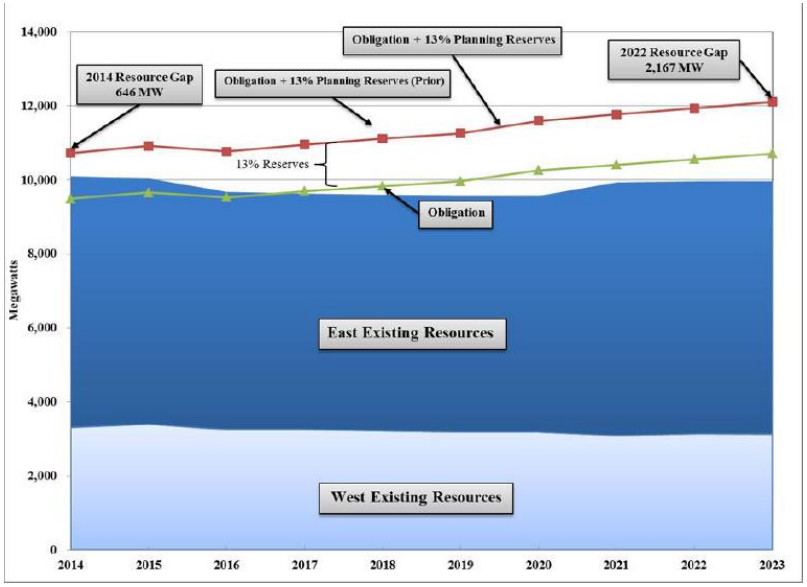
SI5c

cited in the DEIS.[14] The 2013 IRP does forecast a resource gap of 2,274 MW in 2020, but this is 1,578 MW lower than the resource gap of 3,852 MW cited in the DEIS.[15]

In March 2014, PacifiCorp released its 2013 IRP Update, which modifies the resource forecast.[16] The 2013 IRP Update adjusts the 2014 Existing Resource to 10,085 MW in 2014 and forecasts a resource need (including reserves) of 11,596 MW in 2020.[17] The 2013 IRP Update resource need is 166 MW lower than the 2013 IRP. The resource gap in 2020 in the 2013 IRP Update is 2,042 MW, or 1,810 MW lower than the gap cited in the DEIS. This is a considerable adjustment and is reflected in the following graph of the 2013 IRP System Capacity Position Trend.[18]

Figure 3: PacifiCorp 2013 IRP Update, System Capacity Position Trend



[14] PacifiCorp. (2013). Page 5.
[15] PacifiCorp. (2013). Page 5.
[16] PacifiCorp. PacifiCorp- 2013 IRP Update Chapter 3 Resource Needs Assessment Update. Dated March 31, 2014.
[17] PacifiCorp. (2014). Table 3.11. Page 30.
[18] PacifiCorp. (2014).Figure 3.2. Page 35.

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SI5c	For accuracy, the updates in the PacifiCorp load forecasts and resource needs must be factored into the DEIS. These updated values show that by relying on stale data the DEIS overstates the capacity gap, which in turn inflated the need for additional transmission capacity. In sum, the DEIS's purpose and need sections are based on the outdated premise that load growth justifies the proposed project.	
	C. THE DEIS FAILED TO EXAMINE THE EFFECT OF ALTERNATIVE TRANSMISSION PROJECTS ON THE NEED FOR GWS.	
SI5d	Finally, the proposed TransWest Express direct current (DC) transmission project[19] explicitly proposed to deliver energy and capacity from the proposed Chokecherry and Sierra Madre winds farm in southeastern Wyoming to the Las Vegas, NV area. While the routing of this proposed transmission line is slightly different from the proposed GWS project, there would be some redundancy. Furthermore, its wholesale market transacting capability would be similar to the proposed GWS project: it would allow wholesale transfers of energy from the Rocky Mountain region to the Desert Southwest region. The DEIS did not analyze the change in project need should the reasonably foreseeable TransWest Express project be built. While the proposed GWS project allows for the delivery of Wyoming energy to Utah and the TransWest Express project delivers fully through to Nevada, contracting some of the capacity available on the TransWest Express line and delivering it "back" to Utah could fully supplant the need for the proposed GWS project. The TransWest Express project combined with the reduced resource need described above seriously undermines the DEIS's rationale for the proposed project.	SI5d See response to SI5a. The Project and the TransWest Express transmission project have very different interests and objectives and project descriptions. The analysis of (1) the change in need for transmission capacity due to approval of other transmission projects and (2) the extent to which the Applicant can achieve reliability goals through alternatives to transmission lines is outside of the responsibility and authority of the BLM and USFS and beyond the scope of analysis of this EIS. Finally, because the Zephyr transmission project does not have an active right-of-way application with BLM or USFS, that project is not considered reasonably foreseeable and is not included in the analysis.
SI5e	Another transmission alternative that the DEIS failed to consider is the proposed Zephyr direct current (DC) line that would also deliver energy and capacity from southeastern Wyoming to the Las Vegas, NV area.[20] It, too, would follow a similar path as the proposed GWS project.[21] Although this proposed project would be a high voltage DC line between Wyoming and Nevada, the DEIS did not consider the possibility of contracting some of the capacity available on the Zephyr line and delivering it "back" to Utah – which could fully supplant the need for the proposed GWS project.	SI5e See response to Comment SI5d.
SI5f	Lastly, we note that other proposed transmission projects would bolster import capacity to the Las Vegas area: projects under consideration by Great Basin Transmission (Southwest Intertie Project) and Nevada Power and Sierra Pacific Power (from western central Nevada through the Amargosa Valley towards Las Vegas) could lead to increased availability of power from the Las	SI5f See response to Comment SI5d.

[19] See http://www.transwestexpress.net/ for summary description of the TransWest Express project.
[20] See http://www.datcllc.com/datc-projects/zephyr/faqs/ for summary description of the Zephyr project.
[21] http://www.wecc.biz/Planning/TransmissionExpansion/Map/Pages/default.aspx

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SI5f Vegas area to PacifiCorp's Utah load areas.[22] These projects too can be considered as alternative forms of western region transmission that could mitigate the need for the Gateway South project.

II. THE DEIS DID NOT ADEQUATELY EXPLORE NON-TRANSMISSION ALTERNATIVES

The discussion of alternatives is the "heart" of the NEPA process.[23] NEPA requires agencies to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."[24] An EIS must "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed project in order to "sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decision-maker and the public."[25]

SI5g The DEIS briefly considered energy efficiency and demand response, but only concluded that "Energy Efficiency and Demand Response are valuable Tools that the Applicant is using and will continue to use to manage the demand and consumption of energy."[26] The DEIS did note recent PacifiCorp energy efficiency and demand response programs and referenced a 2013 Cadmus Demand Side Management potential study.[27,28] The PacifiCorp 2013 IRP included three demand-side management programs as existing resources that lower the load forecast by 653 MW in 2013 to 639 MW from 2015 onward.[29] The 2011 IRP incorporated 556 MW of demand-side management programs.[30] The Cadmus Group's 2013 potential study identified 6,797 MW of demand-side management technical potential in 2032 and 884 MW of Achievable Technical and Market Potential.[31] Additional demand-side management alternatives should be explored more comprehensively as a non-transmission alternative that could defer or eliminate the need of the proposed transmission project.

SI5h As noted above, the TransWest Express, Zephyr and Gateway South proposals are three major transmission projects that could run between Wyoming to Nevada or Utah; BLM should consider investigating the impact of the three projects comprehensively rather than separately as single

[22] See http://www.swipos.com/ for summary description of the Southwest Intertie Project.
[23] 40 C.F.R. § 1502.14.
[24] 42 U.S.C. § 4332(2)(E).
[25] 40 C.F.R. § 1502.14(a).
[26] BLM. (2014). Page 2-123.
[27] BLM. (2014). Page 2-122.
[28] Cadmus Group. Assessment of Long-Term, System-Wide Potential for Demand-Side and Other Supplemental Resources, 2013-2032 Volume I. March 2013.
[29] PacifiCorp. (2013). Chapter 5 Resource Needs Assessment. Page 90.
[30] PacifiCorp. (2011). Chapter 5 Resource Needs Assessment. Page 91
[31] Cadmus. (2013). Page 2.

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SI5g See response to Comment SI5a.

SI5h See response to Comment SI5d.

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SI5h projects independent of another. BLM should consider a NTA alternative that examines the impact of permutations of the three different proposals to see if all three projects are needed.

III. THE DEIS FAILED TO ADDRESS HOW MARKET DEVELOPMENTS CHANGES WILL INFLUENCE UTILIZATION OF THE PROPOSED TRANSMISSION LINE

SI5i The DEIS contains no modeling information on changes to wholesale electric power transactions with the line in place that would affect the impacts of the line. PacifiCorp may soon (October, 2014) be part of the California Independent System Operator (CAISO) energy imbalance market, with the capability of delivering its resources into the California market. This market development, coupled with the presence of increased transmission capacity from the Carbon County area, has the potential to dramatically increase the level of coal-fired energy generation in the PacifiCorp region for ultimate delivery (as part of a portfolio of resources) to California. Some form of electric power sector production cost modeling should be undertaken as part of the environmental impact assessment in order to gauge such potential outcomes.

SI5i The BLM understands from the Applicant that the Project would not provide a direct intertie to the California Independent System Operator or any other energy imbalance market entity, including NV Energy (assuming that NV Energy becomes an energy inbalance market entity no earlier than October 1, 2015).

SI5j Redundancy, reliability and grid upgrades are among the leading justifications for GWS. Because the DEIS failed to adequately disclose the need for the proposed project and did not describe or evaluate a reasonable range of alternatives, a revised DEIS should consider the extent to which reliability goals can be achieved through less environmentally damaging means.

SI5j See response to Comment SI5a.

IV. THE DEIS DID NOT ADEQUATELY EXPLORE THE LONG-TERM IMPACTS ASSOCIATED WITH THE PROPOSED TRANSMISSION PROJECT

A. THE DEIS FAILED TO DISCUSS IMPACTS OF LOCATING WITHIN CORRIDORS OF CONCERN

As directed by Section 368 of the Energy Policy Act of 2005, BLM and US Forest Service (USFS) undertook a programmatic environmental impact statement designating right-of-way (ROW) corridors across public lands in eleven Western states in order to streamline and facilitate the siting of linear energy infrastructure (pipelines and transmission lines). However, the original West Wide Energy Corridor (WWEC) designations, proposed in 2009, did not do enough to connect renewable (rather than fossil fuel-generated) energy to towns and cities, did not provide enough opportunity for public input on their construction, and did not adequately analyze potential impacts on wildlife and the environment. In response, Sierra Club joined fellow conservation organizations and one county in challenging the designation of the originally proposed corridors. The litigation resulted in a settlement agreement (*The Wilderness Society et al. v. United States Department of Interior et al.* (Case No 3:09-cv-03048-JW [Northern District of California]) in which the agencies agreed to review the corridors to address these issues. Pursuant to the settlement agreement, the agencies developed a work plan for initiating a Corridor Study to assess the overall usefulness of the corridors and review corridor placement, utilization, and the use of Interagency Operating Procedures. Following the Corridor Study, the

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agencies will initiate the first Regional Periodic Review of corridor designations, and develop a corridor monitoring plan to support the study. Parallel to initiating the Corridor Study and Regional Periodic Reviews of WWEC designations, the BLM issued Instruction Memorandum No. 2014-080 on April 7, 2014. IM 2014-080 instructs field office officials to encourage applicants to site projects within the WWECs as currently designated, and to make project proponents aware that siting projects within "Corridors of Concern" (COCs) as identified in the Settlement Agreement may:

- Involve significant environmental impacts
- Include preparation of an environmental impact statement
- Involve substantially increased or extensive mitigation measures such as regional or off-site mitigation to compensate for impacts to sensitive resources
- Include consideration of alternatives outside the corridor and consideration of an alternative that denies the requested use
- Include amendment of the applicable land use plan to modify or delete the COC and designate an alternative corridor
- Be challenged

SI5k SI5l

The DEIS identified that the proposed GWS contains three Corridors of Concern. The three corridors are listed in the DEIS in Table I-2 and noted in Table 3-146.[32,33] The DEIS failed to detail how the proposed project facilitates renewable energy and avoids environmentally sensitive areas. Specifically, all three Corridors of Concern mention the access to coal-fired power plants.[34] While the DEIS notes "the Project alternative routes that are currently located within corridors of concern (Table 3-146) will require additional assessment to ensure all impacts are addressed,"[35] it does not appear that the additional assessment is included in the DEIS. Additionally, some of the alternative routes for GWS fall within West Wide Energy Corridors, which would be the lowest-impact routes under consideration in the region[36], yet BLM and PacifiCorp are not proposing to use these West Wide Energy Corridors for GWS.

B. *THE DEIS FAILED TO EXAMINE CLIMATE CHANGE IMPACTS*

President Obama has been very clear that the nation must drastically cut carbon pollution to "protect the health of our children and move our economy toward American-made clean energy

[32] BLM (2014). Chapter I- Purpose and Need. Page 1-19.
[33] BLM (2014). Chapter 3 Affected Environment and Environmental Consequence. Page 3-645.
[34] BLM (2014). Chapter 3 Affected Environment and Environmental Consequence. Page 3-645.
[35] BLM (2014). Chapter 3 Affected Environment and Environmental Consequence. Page 3-645.
[36] For example, segments W111 and C13 follow West Wide Energy Corridors and are the lowest-impact routes under consideration in the region, but they are not the BLM's preferred alternative or the applicant's proposed route

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The analysis and documentation in the EIS have been updated to be consistent with BLM WO- IM No. 2014-080, Policy Guidance for Use of Corridors Designated Pursuant to Section 368 of the Energy Policy Act of 2005 as Required by the Settlement Agreement in Wilderness Society v. USDI, No. 3:09-cv-03048-JW (D. N.D. Cal), which was issued on April 10, 2014. Several alternative routes and route variations are considered outside of Corridors of Concern. For the alternative routes and route variations considered that are in Corridors of Concern, selective mitigation measures were applied where possible for the resource issues identified as concerns raised in Wilderness Society v. USDI. The BLM has reviewed the IOPs identified in 2009 BLM Resource Management Plan Amendments and Record of Decision to confirm the intent of the IOPs is inherent in the design features and/or selective mitigation measures established for the Project. Further, as explained in Section 2.5.1.2 and Appendix E of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation).

SI5l

The first two criteria considered by the Applicant when identifying preliminary alternative routes during their initial feasibility studies conducted by the Applicant were (1) presence of designated or proposed utility corridors and (2) presence of other existing linear facilities. During their review of the alternative routes and route variations, the BLM and USFS have endeavored to maintain the use of federally designated utility corridors and the use of federal lands to the extent possible (i.e., where suitable when reviewing for environmental, geographic, or engineering/electric system reliability concerns).

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sources that will create good jobs and lower home energy bills."[37] Reducing the generation and transmission of harmful fossil fuels is central to the President's plan. In a few cases, new large-scale transmission will be needed to carry remote renewable energy resources to load centers. However, renewable energy and associated transmission development must be carefully scrutinized through the NEPA process. Given the urgency of climate change, the BLM can no longer casually grant transmission rights of way based on cursory showings of need by the applicant. Equally important, federal agencies must also investigate and disclose a proposed project's potential impacts on climate, and propose all feasible non-transmission alternatives. SI5m SI5n

Here, the DEIS fails to address comprehensively the GWS' impacts on global climate change. Along with the President's Climate Action Plan, NEPA requires that federal agencies "recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment."[38] SI5o

The DEIS failed to follow both NEPA and the President's Climate Action Plan by omitting an analysis of the type of energy generating resources that would benefit from the proposed line. Absent this essential analysis, neither the BLM nor the public have a clear idea of whether new renewable resources or existing fossil fuel generation will utilize the line. The DEIS must make some effort to assess how the line will be utilized. Rather than engage in the rigorous analysis required by NEPA, the DEIS evaded this critical issue with the following language: "The GHG emissions are regulated under federal requirements that include mandatory reporting and GHG emission permits for major sources. It is not expected that the types of sources that will be part of the Project would be subject to these Rules."[39] With this conclusory statement, the DEIS ignored the very real fact that PacifiCorp could interconnect its major fossil fuel generating stations to the Gateway Project. SI5p

Although the DEIS narrowly analyzed carbon dioxide emissions associated with the project's construction and operation, it failed to consider broad-scale methods of reducing carbon emissions through alternatives (non-transmission or duplicative siting) to the proposed project in order to minimize impacts on climate change. SI5q

[37] The President's Climate Action Plan (June 2013). Page 5. http://www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf

[38] 42 U.S.C. § 4332(f).

[39] BLM. (2014) Chapter 3 Affected Environment and Environmental Consequence. Page 8.

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SI5m: See respone to Comment SI5a. Regarding the scope of analysis presented in the EIS, it is beyond the scope of existing science to relate a specific source of GHG with the creation (or mitigation) of any specific climate-related environmental effects. Further, since the specific effects of a particular action, which may contribute to or mitigate against climate change, cannot be determined, it is also not possible to determine whether any of these particular actions will lead to significant climate-related environmental effects. Finally, there are still not regulatory standards for climate change. Thus, the BLM believes the analysis in the EIS represents the best available science as required by the CEQ guidelines.

SI5n: The GHG of the proposed project have been quantified and were presented in the Draft EIS. Construction emissions will be temporary. Operation emissions, consisting of sulfur hexafluoride emissions from circuit breakers at the series compensation stations, have also been quantified and will be negligible.

As noted in the Draft EIS, because GHG emissions from proposed projects contributes to climate change on a global scale, project-specific impacts of GHG emissions on the local environment cannot be quantified. It is beyond the scope of existing science to relate a specific source of GHG emissions with the creation (or mitigation) of any specific climate-related environmental effects. Further, since the specific effects of a particular action, which may contribute to or mitigate against climate change, cannot be determined, it is not possible to accurately predict the effect of resource management-level decisions from this project-specific effort on global climate change.

SI5o: GHG emissions from Project construction would be temporary. Operation emissions, consisting of sulfur hexafluoride emissions from circuit breakers at the series compensation stations, would be negligible. As previously explained, BLM does not have an established mechanism to accurately predict the effect of resource management-level decisions from this project-specific effort on global climate change.

SI5p: See next page for response to SI5p.

SI5q: See next page for response to SI5q.

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Given GWS would have a life of at least 50 years[40] adequately evaluating the long-term impact of the proposed project to facilitate renewables and to minimize access to coal-fired plants is critical.

C. *THE DEIS FAILED TO ADEQUATELY ANALYZE IMPACTS ON CONSERVATION OF GREATER SAGE-GROUSE*

GWS comes at a critical time for the conservation of Greater Sage-Grouse. This "warranted but precluded" candidate species requires management and protection focused on ensuring local conservation success, in conjunction with an overall strategy to incorporate indirect and cumulative effects and to provide for range wide persistence for the species. Using objective methods based on the most complete and current science is the key component of such a strategy. *Avoidance of critical habitat and minimizing disturbances always should occur before compensatory mitigation and is key for Greater Sage-Grouse conservation.* However, as described in greater detail below, the requisite habitat analysis has not been completed, nor does the DEIS contain minimization measures sufficient to enable Greater Sage-Grouse conservation in an area identified as pivotal for conservation.

A USFWS 2010 Finding[41] identified power lines as directly affecting Greater Sage-Grouse "by posing a collision and electrocution hazard" (Braun 1998, pp. 145-146; Connelly *et al*. 2000a, p. 974), having indirect effects by decreasing lek recruitment (Braun *et al*. 2002, p. 10), increasing predation (Connelly *et al*. 2004, p. 13-12), fragmenting habitat (Braun 1998, p. 146), and facilitating the invasion of exotic annual plants (Knick *et al*. 2003, p. 612; Connelly *et al*. 2004, p. 7-25) (page 18). Additionally, sage-grouse could be impacted through a direct loss of habitat and human activity (especially during construction periods)[42]. The Gateway West FEIS noted that recent research identified the best predictors between extirpated and occupied ranges to include distance to transmission lines (Wisdom et al 2011).[43]. Knick et al. 2013 further emphasizes intolerance of grouse to human disturbance and development, reporting that 99% of active leks in the species' western range were in landscapes with less than 3% disturbance.

[41] US Fish and Wildlife Service 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered. 2010. 50 CFR Part 17, FWS-R6-ES-2010-0018, MO 92210-0-0008-B2]. http://www.gpo.gov/fdsys/pkg/FR-2010-03-23/pdf/2010-5132.pdf

[41] US Fish and Wildlife Service 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered. 2010. 50 CFR Part 17, FWS-R6-ES-2010-0018, MO 92210-0-0008-B2]. http://www.gpo.gov/fdsys/pkg/FR-2010-03-23/pdf/2010-5132.pdf

[42] USFWS 2010 at 44
[43] Gateway West FEIS at 3.11-74

Response(s)

SI5p

See response to Comment SI5m.

With climate change, increased peak demands for electricity for air conditioning will deplete electrical generation and distribution capacities. The EPA projects that climate change could increase the need for additional electric generating capacity by 10 to 20 percent by 2050. Conversely, the demand for natural gas, oil, and wood for heating will decrease. Electricity supply will also be affected by increased year-to-year variability of precipitation that is expected (U.S. Global Change Research Program 2012; EPA 2014). Fossil fuel and nuclear power plants that use water for cooling will have reduced efficiencies with higher air and water temperatures. (Tidwell et al. 2013)

Higher temperatures will also negatively impact the capacity of transmission lines and transformers. Transmission lines incur incremental power losses as the temperatures of conductors increase. Low wind speeds on extremely hot days may result in conductor temperatures that can permanently damage transmission lines. Higher ambient temperatures also reduce the peak-load capacity of transformers and increase the risk of catastrophic failure. Transmission systems will be at increased risk of loss or damage due to wildfires. The Project will contribute to a part of the President's Climate Action Plan (President of the United States 2013), which focuses on expanding and modernizing the electric grid to meet these challenges.

The time required to add significant transmission infrastructure is often longer than adding generation resources or securing third-party resources. Transmission additions must be integrated into regional plans and then permits must be obtained to site and construct the physical assets. Inadequate transmission capacity limits the ability to access what would otherwise be cost-effective generating resources, including renewables. As a result, the specific generation resources that would connect with the proposed transmission line are not known at this time and their GHG and impacts, therefore, cannot be quantified.

Comment(s)

SI5 **Sierra Club (cont.)**

Response(s) - continued

SI5q

An analysis of GHG emissions from nontransmission or duplicative siting alternatives is outside the scope of the Draft EIS. The suggested alternatives do not address the purpose and need for the Project, which is to alleviate constraints within the Applicant's existing transmission system and improve system reliability to ensure sufficient transmission capacity to meet the electrical demands of all its customers now and into the future.

It should be noted that alternatives aimed at reducing carbon emissions are not without complexities and negative impacts of their own. The U.S. Department of Energy, Office of Science, has analyzed the interaction of climate with energy, water, and land and reviewed the pros and cons of various mitigation measures aimed at decreasing carbon emissions (Skaggs et al. 2012). Mitigation measures evaluated included increasing energy efficiency, switching from coal to natural gas fuels, expanding carbon capture and sequestration at fossil-fueled power plants, expanding nuclear power, expanding wind power, expanding large-scale photovoltaic technologies, expanding solar thermal technologies, expanding hydropower, investing in smart grid/demand response technologies, expanding biomass production for power generation and biofuels, and reforestation/afforestation measures. Of the technologies and activities analyzed, only investing in smart grid/demand response technologies had no negative implications. Negative impacts of the other mitigation measures ranged from increased water use per unit of energy produced or for gas well stimulation, increased GHG emissions from land clearing, wildlife habitat fragmentation, increased electricity costs, and land-use conflicts.

Comment(s)

SI5 — **Sierra Club (cont.)**

Earlier this year, the U.S. Geological Survey in cooperation with the BLM, released "Summary of Science, Activities, Programs, and Policies the Influence the Rangewide Conservation of Greater Sage-Grouse (Centrocercus urophasianus): Open-File Report 2013-1098" [44].

SI5r

Recent range-wide breeding density analysis performed for the BLM stresses the importance of specific areas to sage-grouse, and thus conservation prioritization. *Specific portions of GWS routes fall within areas that contain the top 25 percent of the breeding population within Management Zones II (WY, CO, UT) and III (UT)*[45].

SI5s

The USFWS 2010 Findings state, "Southwestern and central Wyoming and northwestern Colorado in MZ II has been considered a stronghold for sage-grouse with some of the highest estimated densities of males anywhere in the remaining range of the species (Connelly *et al*. 2004, pp. 6-62, A5-23). Wisdom *et al*. (in press, p. 23) identified this high-density sagebrush area as one of the highest priorities for conservation consideration as it comprises one of two remaining areas of contiguous range essential for the long-term persistence of the species" (page 35) [46].

Therefore, we are concerned that the GWS transmission line *will cause significant adverse impacts to Greater Sage-Grouse.* Priority habitats should be identified and protected with adequate stipulations. Leks, nearby nesting and brood-rearing habitats, and winter habitat should be avoided. Locations for appropriate mitigation should be identified using best available spatial tools, and monitoring must be enforced to determine effectiveness, yet these measures are not adequately identified or analyzed in the DEIS.

1 THE DEIS FAILED TO ADEQUATELY IDENTIFY AND ANALYZE GREATER SAGE-GROUSE HABITAT

Commenced in 2011, BLM's comprehensive National Planning Strategy focuses on developing and implementing Greater Sage-Grouse conservation policies across the bird's range as one of the highest level species recovery efforts in the history of the western United States. The BLM's emphasis for protecting and managing sage-grouse habitat incorporates the following principles:

1) Protection of unfragmented habitats;
2) Minimization of habitat loss and fragmentation; and
3) Management of habitats to maintain, enhance, or restore conditions that meet Greater

[44] Manier, D.J., Wood, D.J.A., Bowen, Z.H., Donovan, R.M., Holloran, M.J., Juliusson, L.M., Mayne, K.S., Oyler-McCance, S.J., Quamen, F.R., Saher, D.J., and Titolo, A.J., 2013, Summary of science, activities, programs, and policies that influence the rangewide conservation of Greater Sage-Grouse (*Centrocercus urophasianus*): U.S. Geological Survey Open-File Report 2013–1098, 170 p., http://pubs.usgs.gov/of/2013/1098/

[45] Doherty K.E., J.D. Tack, J.S. Evans, and D.E. Naugle. 2010. Breeding densities of greater sage-grouse: A tool for range-wide conservation planning. BLM Completion Report: Interagency Agreement # L10PG00911. http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications_Directorate/public_affairs.Par.46599.File.tmp/GRSG%20Rangewide%20Breeding%20Density.pdf

[46] US Fish and Wildlife Service 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered. 2010. 50 CFR Part 17, FWS-R6-ES-2010-0018, MO 92210-0-0008-B2]. http://www.gpo.gov/fdsys/pkg/FR-2010-03-23/pdf/2010-5132.pdf

Response(s)

SI5r

The BLM acknowledges the importance of considering breeding density of sage-grouse when siting transmission lines. The BLM conducted an analysis of the breeding density of sage-grouse at leks within 4 miles of the proposed alternative routes and route variations. This analysis is presented in Section 3.2.8.5.4 of the EIS.

The BLM conducted the analysis of potential effects on sage-grouse using the best available information, including information regarding the location of priority habitats. The analysis has been revised to incorporate additional information regarding winter and brood-rearing habitats, where available. Under all alternative routes and route variations, design features and site-specific selective mitigation measures would be used to reduce the effects of the Project on sage-grouse. These measures are described in Section 3.2.8.4.3 and Table 3-102 of the Final EIS.

As described in Section 3.2.8.4.3, preconstruction surveys would be conducted to refine the application of selective mitigation measures and to establish monitoring requirements, which would be included in the POD.

SI5s

See response to comments SI5r.

Recommendation noted. BLM acknowledges the potential adverse impacts on biological resources along this segment. For this reason, this segment is not included as part of the Agency Preferred Alternative.

Under any of the alternative routes and route variations, the Applicant would develop a voluntary sage-grouse conservation and mitigation plan in coordination with the agencies for the Agency Preferred Alternative (refer to Appendix K). The mitigation plan will offer measures to avoid, minimize, or compensate for all Project effects characterized by the framework and identified in the EIS that could not be mitigated or avoided using measures in BLM or other agency plans, including losses of habitat services quantified using the HEA.

Comment(s)

SI5 **Sierra Club (cont.)**

Sage-Grouse life history needs.

A December 2011 meeting of top federal and state stakeholders on sage-grouse, including Wyoming Governor Matt Mead and Department of Interior Secretary Ken Salazar, resulted in the formation of a "Sage-Grouse Task Force (Task Force) chaired by Governors Mead (WY) and Hickenlooper (CO) and the Director of the BLM." The Task Force tasked USFWS "with the development of conservation objectives for the sage-grouse." The result is the Sage-Grouse Conservation Objectives Team Draft Report (COT Report)[47], published in February 2013, which also supports protecting key habitats through "an avoidance first strategy" to retain management options:

> In light of these significant uncertainties, impacts to sage-grouse and their habitats should be avoided to the maximum extent possible to retain conservation options. This approach will ensure that potentially unidentified key components to long-term viability of sage-grouse are not lost, and that management flexibility and the ability to implement management changes will be retained as current information gaps are filled. *Implementing an avoidance first strategy should reduce or avoid continuing declines of sage-grouse populations and habitats, as well as limit further reduction in management and restoration options*. (USFWS 2013 at 31, emphasis added)

SI5t

The best way to protect the most valuable and essential remaining habitat and to advance recovery goals is to provide assured protections to the most important remaining sage-grouse habitat. *These lands should be identified and protected with prioritization afforded to 1) core/priority habitats lands, 2) adjacent or stand-alone habitats where large intact blocks remain, (including those in non-core habitat), and 3) the special habitat types which may be limited within a given area (breeding, nesting, brood-rearing, winter, and connectivity habitats).*

SI5u

However, *the DEIS has little or no discussion of actual habitat and population conditions and trends in the Core/Priority/PPH Habitats identified as overlapped by the project area* which we know is available in Wyoming and which may be available elsewhere. BLM should incorporate and analyze additional site-specific information for each individual core area, based on a search of existing state data and scientific research. The discussion should include (1) a quantitative discussion of the most recent survey data regarding leks and bird numbers, (2) a qualitative discussion of the resource values and current condition of these priority habitats, including trends, threats, and direct, indirect and cumulative impacts, and (3) other issues and special resource values in the priority habitats relevant to the impacts of construction and operation of this high voltage transmission line - including migration corridors, connectivity, breeding density, special habitat types such as brood-rearing or winter habitat, and existing disturbance levels and percentage. These analyses must reflect the best current scientific information, and the

[47] U.S. Fish and Wildlife Service. 2013. Greater Sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report. U.S. Fish and Wildlife Service, Denver, CO. February 2013.http://www.fws.gov/mountain-prairie/species/birds/sagegrouse/COT/COT-Report-with-Dear-Interested-Reader-Letter.pdf

Response(s)

SI5t See response to comments SI5r and SI5s.

SI5u The methods used to identify and analyze potential effects on greater sage-grouse meet BLM and cooperating agency requirements for sage-grouse impact analysis and are consistent with the Framework for Sage-grouse Impacts Analysis for the Project (Final EIS, Appendix K). Impacts on sage-grouse were evaluated for (1) core areas or priority habitat, (2) general habitat and transmission line corridors designated in Wyoming Executive Order 2011-5, (3) habitat within 4 miles of leks in core areas or priority habitat, (4) habitat within 4 miles of leks outside core areas or priority habitat, (5) the numbers of sage-grouse leks within 2, 4, and 11 miles of each alternative route and route variation, and (6) the percentage of each state's estimated sage-grouse population that attend leks located within 4 miles of each alternative route and route variation. The same methods used to conduct these analyses on a statewide basis were used to analyze impacts on sage-grouse and sage-grouse habitat in the seven geographically separate sage-grouse populations crossed by the alternative routes and route variations in Utah. Sage-grouse habitat in northwestern Colorado and south-central Wyoming is contiguous and distinct population boundaries are not recognized by the BLM or state wildlife agencies. Therefore, additional individual population-level analyses beyond the statewide analyses described previously were not warranted in Colorado and Wyoming.

Descriptions and maps of population areas in each state are provided in Section 3.2.8.5.4 and include numbers of known occupied leks, population trends, and existing direct and indirect impacts on populations and habitats.

Comment(s)

SI5 **Sierra Club (cont.)**

SI5u fact that all core areas may not be "created equal" with regard to habitat quality and importance to conservation and recovery efforts.

SI5v Winter habitat, including concentration areas, were referenced in the Trans West Express DEIS (3.8-14): "In years with severe winter conditions (i.e., deep snow), greater sage-grouse often gather in large flocks in areas with the highest quality winter habitat. It is suggested that high quality winter habitat is limited in portions of the greater sage-grouse's range (Connelly et al. 2000). Wintering habitat for greater sage-grouse has been defined for populations in Colorado and Utah, and is currently being defined for populations in Wyoming (WGFD 2012)" and (DEIS 3.8-60) "Marking would be prioritized in areas near leks, in winter concentration areas …" Winter habitat is poorly addressed in the GWS DEIS.

SI5w An additional issue is that the DEIS presents sage-grouse impacts by alternative route rather than segments (see Table 3-104 as example). This level of information aggregates impacts at too coarse a spatial scale to allow reviewers to understand and evaluate the level of impact across the individual segments. It is unrealistic to expect that one of the alternatives in its entirety, from the DEIS will ultimately be selected for the transmission route. Given this, the manner in which wildlife impacts are presented in the DEIS minimizes the ability of reviewers to provide feedback or guidance on unique routing combinations.

2. THE DEIS FAILED TO IDENTIFY MEANINGFUL PROTECTIONS FOR GREATER SAGE-GROUSE

The DEIS proposes implementation of various measures to identify sensitive areas to Greater Sage-Grouse (e.g. leks, nesting habitat, wintering habitat, etc.) and implement seasonal timing restrictions and protection buffers in accordance with various Instructional Memorandums, Executive Orders, and existing Resource Management Plans (RMPs). Adherence to these regulations and guidelines is being presumed to reduce impacts to sage-grouse. However, there are fundamental flaws with this rational and challenges for stakeholders to have assurances of meaningful protection for Greater Sage-Grouse. Specifically, (1) these RMPs are often dated and founded on inaccurate/inadequate protections, (2) field offices present an inconsistently wide range of protective measures, (3) these protections are primarily limited to construction only, (4) not all aspects of sage-grouse biology or habitat needs are adequately addressed, (5) monitoring and enforcement are poorly addressed, (6) off-site mitigation is inadequately considered, and (7) areas serving as refugia, such as unfragmented landscapes, are not identified for stronger protections. Some of these concerns are addressed in further detail below.

Surface disturbance will have adverse impacts to sagebrush habitats including temporary and permanent loss of habitats across all alternatives, and fragmentation and degradation of habitat for sage-grouse will result. Therefore, protective stipulations within the project area must receive careful attention.

SI5x The DEIS relies heavily on BLM field office stipulations (Table E-11), which highlights *the inconsistent and inadequate wildlife protections across the field office planning areas*. In addition, the protections afforded to sage-grouse are predominantly founded in inaccurate and inadequate protections. Science strongly argues that the *spatial restrictions (no surface use and*

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Response(s)

SI5v The analysis in the Final EIS has been revised to incorporate additional information regarding winter habitats, where available. Under all alternative routes and route variations, design features and site-specific selective mitigation measures would be used to reduce the effects of the Project on sage-grouse. These measures are described in Section 3.2.8.4.3 and Table 3-102 of the Final EIS.

SI5w Section 2.5.1.3 and Figure 2-7 for the Final EIS presents the systematic and progressive analysis for screening and comparing local areas (Level 1 analysis) then subregional areas (Level 2 analysis) that was conducted to narrow the number of alternative routes and route variations and determine the most environmentally acceptable alternative routes and route variations to be addressed in the EIS. That is, for each level, once the impacts along each of the areas (local/sublocal/regional) of alternative routes and route variations had been analyzed, the areas of alternative routes were screened and compared to identify which were most environmentally preferable and to eliminate from further consideration less preferable ones (in accordance with criteria at 40 CFR 1502.14). The Level 1 and 2 analysis results are recorded in the Project record. Routes considered and eliminated from detailed analysis through the Level 1 and Level 2 screening and analysis are described in Section 2.6.2 in the EIS. The Level 3 analysis involved combining the suitable segments of routes from the first two levels of screening to form complete routes. The Level 3 analysis is presented in the EIS. The commenter is referred to Tables S-1a through S-1d in the EIS that provide a detailed comparative analysis (Level 3) of the resources for each alternative route and route variation considered in detail in the EIS. The tables identify key resource inventories and associated impacts for each resource based on the analysis presented in Chapter 3. Further, the commenter is referred to the Map Volume (Volume II) that accompanies the EIS. The map volume contains one map showing the seven construction access levels that predict (1) the general type of access required for each mile of alternative route and (2) the associated disturbance and 23 maps showing resource inventory and impacts. The inventory and impacts are reported by link. Finally, because of this systematic and progressive analysis, the Agency Preferred Alternative identified for the northern Project area (from Aeolus Substation, Wyoming, to near U.S. Highway 40 at the Colorado-Utah border) and southern Project Area (from the Colorado-Utah border to the Clover Substation, Utah) in the EIS does indeed reflect the agencies' preference for consideration by the agency decision-makers when selecting and approving a route.

Comment(s)

SI5 **Sierra Club (cont.)**

SI5x

controlled surface use restrictions) proposed in the DEIS are severely inadequate. The 0.25 mile and 0.60 restrictions around the perimeter of occupied leks, as noted in Table E-11, have long been recognized as being without scientific merit and an inadequate protective measure to maintain lek activity (Holloran 2005, Walker et al. 2007). Instead, given the research from oil and gas development, the agency should *avoid placing transmission lines within 5 miles of sage-grouse leks, which is also recommended by the USFW* [48]. The Lander RMP DEIS and FEIS both recognized this, as did the Miles City RMP. As noted in the latter, "BLM NSO stipulations for leasing and development within 0.25 miles of a lek would result in an estimated lek persistence (the ability of leks to remain on the landscape) of approximately 5 percent, while lek persistence in areas without oil and gas development would be expected to average approximately 85 percent. Impacts from energy development occur at distances between 3 and 4 miles." …. "Impacts to leks caused by energy development would be most severe near the lek. Although most of the impacts from energy development are indirect, some direct effects, such as flying into overhead power lines would also result from energy development and ROWs." Miles City DEIS/RMP at 4-135.

SI5y

Furthermore, the timing restrictions in the DEIS are also widely varying and could well pose a serious threat to nesting hens or those with foraging young. While there should be flexibility to incorporate local characteristics to fine-tune the window of protection there should be a relatively consistent window of protections afforded to nesting and early brood rearing habitat. Therefore, we strongly suggest that protections be extended until at least July 15 to be meaningful and maintain healthy future populations.

SI5z

Our review of the DEIS identified Selective Mitigation Measures #6 and #14 that attempt to limit impacts by avian predation through tubular tower designs and anti-perching devices, respectively, as the only mitigation measure focused on reducing impacts to sage-grouse during the operation phase of the proposed Project (DEIS pages 3-444 and 3-445). The remaining *protective stipulations apply primarily to the development-specific time-frame. Instead, we urge that protections be extended into the operations and maintenance periods*. Lander RMP FEIS notes that "wildlife seasonal protections from surface-disturbing and disruptive activities apply to maintenance and operations actions when the activity is determined to be detrimental to wildlife." FEIS at 117. This is important timing due to the length of time associated with maintenance and operations actions, beyond the usual development-specific stipulations. BLM supported this in the Lander RMP FEIS: "Beyond initial exploration (including geophysical activities), land clearing, and aboveground facility construction, continued human disturbance to special status wildlife could occur from activities such as equipment maintenance and site

[48] Prairie grouse leks and wind turbines: U.S. Fish and Wildlife Service justification for a 5-mile buffer from leks; additional grassland songbird recommendations. Manville, A.M., II (2004). Division of Migratory Bird Management, USFWS, Arlington, VA, peer-reviewed briefing paper. http://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/prairie%20grouse%20lek%205%20mile%20public.pdf

Response(s)

SI5x

The EIS was developed using the best available information regarding the potential effects of transmission lines on sage-grouse and acknowledges the potential negative effects of siting a transmission line near leks. The analysis has been expanded in the Final EIS to include recently published literature regarding recommended distances between active leks and potentially disruptive land uses, such as transmission lines. The BLM's decision on the Project would comply with all applicable sage-grouse stipulations in BLM RMPs, including any required lek avoidance distances. As described in Appendix K, Section K.3.1, the BLM and the Applicant collaborated to develop strategies to avoid, minimize, and compensate for the potential effects of the Project pursuant to the applicable plans and policies. These strategies include removal of alternative routes from consideration that would have the greatest effects on sage-grouse and modification of alternative routes carried forward to reduce impacts on sage-grouse (e.g., increasing the distance between the Project and active leks).

Despite the actions taken to avoid and minimize impacts on sage-grouse, sage-grouse habitat is widespread in the Project area and all alternative routes would cross sage-grouse habitat. The EIS acknowledges that despite application of design features of the Proposed Action and selective mitigation measures to reduce the effects of the Project on sage-grouse and sage-grouse habitats, impacts on sage-grouse are still anticipated to occur. The Applicant is preparing a voluntary Sage-grouse Conservation and Mitigation Plan, which has included preparation of an HEA. The Sage-grouse Conservation and Mitigation Plan would outline actions that would be taken to offset unavoidable effects on sage-grouse.

SI5y

The Project must comply with the plan requirements of each field office and any relevant conservation plans or agreements. Different field offices have different landscapes, resources, and resource uses; thus different resource management needs. Thus, some management prescriptions, such as the timing restrictions, differ between plans.

The Applicant will be engaged in on-going coordination with the agencies during project development and may extend timing restrictions in site-specific areas based on agency recommendations.

SI5z

Protections to sage-grouse are extended to the operations and maintenance periods as part of the Projects' design features of the Proposed Action (Table 2-8).

Design features specific to sage-grouse are listed in Table 3-102 and include: alteration of placement of roads or towers (Design Feature 3), construction to avian-safe design standards (Design Feature 4), seasonal restrictions (Design Feature 6), vehicle access restriction (Design Feature 26), construction activity access restriction (Design Feature 27), personnel instruction (Design Feature 28), hazardous material restrictions (Design Feature 30), and vehicle speed limit for overland travel (Design Feature 39).

Comment(s)

SI5 — **Sierra Club (cont.)**

SI5z

operations, which are especially disruptive during sensitive times (wintering, breeding, and nesting)." FEIS at 931. The Miles City Draft RMP noted that in areas where development occurred, "there would be no restrictions to operation and maintenance activities, *which would potentially result in the reduction or extirpation of populations*." DEIS at 4-134 (emphasis added).

SI5aa

The current protections proposed for adoption includes No Surface Occupancy (NSO) stipulations as a means of protection for grouse. However, *NSOs are subject to exceptions, waivers and modifications*. Since exceptions, etc. can be applied to NSOs, this *fails to meet the regulatory certainty being sought by USFWS*, which is of grave concern given the importance of this habitat to sage-grouse persistence in the planning area.

3. THE DEIS FAILED TO ADEQUATELY IDENTIFY AND ANALYZE NOISE IMPACTS

SI5ab

The GWS DEIS fails to adequately address *noise* impacts. While the DEIS states that Executive Order protections are to be incorporated, it is unclear if this is only for Wyoming or across the entire route. New research should be considered, from Wyoming's Sage-Grouse Implementation Team (currently investigating noise impacts) and other research sources. Facilities that produce continual noise can affect the breeding vocalizations of greater sage-grouse. Continuous noise from industrial facilities, such high voltage transmission lines and substations, close to active sage-grouse leks would interfere with male greater sage-grouse strutting behavior which could reduce the reproductive success of sage-grouse using these leks. The BLM does note in the Gateway West FEIS, "construction-related noise and dust disturbance would occur during construction, which could potentially make habitat within the immediate vicinity of the activity temporally unsuitable for this species." FEIS at 3.11-65. We strongly recommend that *BLM carefully review and incorporate new research* which relates to noise impacts on grouse, as these are suggesting threats to sage-grouse population viability – through abundance, stress levels, and behavior [49].

SI5ac

The DEIS fails to identify (through mapping) and analyze the spatial distribution and acreage of current winter habitat for sage-grouse and its current quality. This is a serious omission, as this will likely drive selection of appropriate protective measures and prioritize restoration activities.

V. THE DEIS OMITTED IDENTIFICATION OF AND COMMITMENT TO SPECIFIC MITIGATION MEASURES

[49] Blickley, J.L., D. Blackwood, and G.L. Patricelli. 2012. Experimental evidence for the effects of chronic anthropogenic noise on abundance of greater sage-grouse at leks. Conservation Biology 26(3):461-471.

Blickley, J.L. and G.L. Patricelli. 2012. Chapter 3: potential acoustic masking of greater sage-grouse (Centrocercus urophasianus) display compnents by chronic industrial noise. Ornithological Monographs 74: 23-35.

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Response(s)

SI5aa

The BLM has clearly indicated the agency's consideration of granting waivers, exemptions, and modifications to various stipulations in BLM RMPs in the EIS. BLM NEPA regulations do not require the BLM to allow public comment on subsequent consideration of individual waivers, exemptions, and modifications.

SI5ab

Noise impacts on sage-grouse are addressed in Section 3.2.8.4.3.

Noise was identified as a direct and indirect effect in the construction and operation phases of the Project in Tables 3-98 and 3-99. Also, in Table 3-100, noise is identified as a potential direct effect of the Project that would contribute to (1) the present or threatened destruction, modification, or curtailment of sage-grouse habitat or range; and (2) disease and predation. These effects are described in more detail in the sections titled Disturbance to Sage-grouse and Disruption of Breeding Activities due to Increased Human Presence and Noise at Lek Locations; Disturbance to Sage-grouse During Nesting, Breeding, and Wintering Periods Resulting from Human Presence, Vehicle Use, and Noise During Construction and Maintenance; Disease and Predation; Disruption of Sage-grouse Nesting and Breeding Activities; and Sage-grouse Avoidance of Habitat Due to Human Presence Resulting from Pubic Use of New Access Routes.

Wyoming Executive Order 2011-5 outlines the management of greater sage-grouse in the state of Wyoming. The regulatory framework pertinent to sage-grouse in Colorado and Utah is provided in Section 3.2.8.1.1.

SI5ac

The BLM conducted the analysis of potential effects on sage-grouse using the best available information, including information regarding the location of priority habitats. The analysis has been revised to incorporate additional information regarding winter and brood-rearing habitats, where available. Information from the referenced report was incorporated as appropriate, though BLM is not responsible for identifying and mapping sage-grouse habitats.

Comment(s)

SI5 **Sierra Club (cont.)**

Mitigation is an important requirement of NEPA. In fact, in Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 352 (1989) the court stated that: "*Omission of a reasonably complete discussion of possible mitigation measures*" undermines NEPA and the ability to assess the severity of environmental impacts. Following BLM's Special Status Species Policy and its ESA Section 7(a)(1) affirmative obligations to conserve and recover listed species, as well as the BLM's requirements to manage for the full range of resources and values on public lands, the FEIS should detail how specific impacts from GWS will be mitigated through required, specific off-site mitigation actions. It is unacceptable to defer identification of and commitment to specific off-site mitigation measures until after the FEIS is published. Without this information, the public cannot fully and fairly analyze the impacts of the proposed GWS project.

SI5ad

Before a rigorous discussion of mitigation can take place, however, the complete extent of the potential impacts must be carefully assessed. This assessment must include for each endangered and threatened species – and should include for all candidate species – science-based estimates of the direct, indirect, and cumulative impacts throughout the length of the proposed line, and how the cumulative impact of the entire line adds to the other ongoing and reasonably foreseeable impacts throughout the ranges of the targeted species.

SI5ae

Ecosystem-level planning and strategies should be employed in addition to species-specific analyses. An assessment tool or evaluation strategy approved by USFWS should be used to quantify the interim and permanent impacts (injury) to habitats (direct, indirect, and cumulative as outlined above) and the ecological services provided by those habitats. This will enable a more accurate and predictive approach to mitigating impacts across the entire line.

SI5af

BLM should implement a "no net loss" or a "net gain" requirement for resources and values, with the goal of achieving a "net conservation benefit" for special status resources and species, including BLM Special Status Species. BLM should ensure that any loss of resources or values associated with the GWS project is compensated with the addition and protection of equivalent or better resources and values offsite. BLM should also make a determination about the value of the habitat to be impacted and establish mitigation requirements for the specific habitat types impacted.

SI5ag

A. THE DEIS FAILED TO DISCLOSE HOW MITIGATION WILL BE CONSISTENT WITH LANDSCAPE LEVEL MITIGATION STRATEGIES

In October 2013, Interior Secretary Sally Jewell issued *Order No. 3330* to establish a Department-wide mitigation strategy that focuses on mitigation opportunities at the landscape level. President Obama also recently issued a Presidential Memorandum on improving siting, permitting and mitigation for transmission development.[50] Both of these documents offer

[50] *Available at:* http://www.whitehouse.gov/the-press-office/2013/06/07/presidential-memorandum-transforming-our-nations-electric-grid-through-i

Response(s)

SI5ad

See response to Comment SI5k.

As described in Section 2.5.1.2 of the EIS, after initial impacts were identified for each resource, measures to mitigate impacts for environmental protection (refer to Table 2-13) were applied to avoid, reduce, or minimize moderate or high impacts. This information is recorded for every alternative route and route variation considered in the EIS. Once an alternative route or route variation is selected, the Applicant would coordinate with the BLM and other land-management agencies or landowners, as appropriate, to refine the implementation of mitigation at specific locations or areas. For example, if a road closure was recommended, the Applicant would work with the applicable land-management agency or landowner to determine the specific method of road closure most appropriate for the site or area (e.g., barricading with a locking gate, obstructing access on the road using an earthen berm or boulders, revegetating the roadbed, or obliterating the road and returning it to its natural contour and vegetation). This detailed mitigation would be incorporated into the POD prior to Project construction. In other words, the selective mitigation measures applied during impact analysis and mitigation planning will be carried forward from the EIS, and refined by resource surveys conducted for the selected route. Where substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation) and developed in coordination with cooperating agencies for the selected route.

Also, when applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project.

SI5ae

The EIS analysis uses a systematic approach to analyze the impacts of each alternative route and route variation on direct, indirect, and cumulative impacts on wildlife and their habitats in Sections 3.2.7, 3.2.8, 4.3.7, and 4.3.8. The analysis methods were developed through coordination and in cooperation with BLM, USFS, and FWS resource specialists and state wildlife agencies.

Also see response to Comment SI5ad.

SI5af

See next page for response to SI5af.

SI5ag

See next page for response to SI5ag.

Comment(s)

SI5 **Sierra Club (cont.)**

Response(s) - continued

SI5af Thank you for your suggestion. The BLM believes the level of analysis included in the EIS is adequate for the scope of the Project. Please note that wildlife impacts are analyzed and discussed at the habitat-level. Also, the cumulative impact analysis assesses different resources at a different geographical (and temporal) extent, based on what is deemed appropriate for the resource. The methodology for all biological resources was developed and approved in coordination with the cooperating agencies assisting the BLM in preparation of the EIS, including the FWS.

SI5ag As a multiple-use agency, BLM does not require projects to achieve a net conservation benefit. However, loss of resources or values does require mitigation. In general, the need for additional public land to be designated for conservation management could be considered in future RMP revisions, but is not appropriate for a project-level evaluation. No additional special management areas are proposed as part of this Project, and as such, development of management plans for special designation areas is beyond the scope of this project.

Comment(s)

Response(s)

SI5 — **Sierra Club (cont.)**

valuable tools for continuing to improve the conservation outcomes for mitigation for project impacts, and should be used to improve mitigation for GWS in the FEIS. BLM should follow *Secretarial Order 3330 (Improving Mitigation Policies and Practices of the Department of the Interior)* and employ landscape-level mitigation to mitigate the detrimental effects the transmission line will have upon wildlife and lands with wilderness character. This landscape-level mitigation and all compensatory mitigation should be identified *prior* to project approval. BLM must demonstrate how the approaches used for GWS are consistent with the BLM Draft Regional Mitigation Manual, Secretarial Order No. 3330 (see Section IV), and the Presidential Memorandum

SI5ah

SI5ah See response to Comment SI5ad.

B.THE DEIS FAILED TO COMMIT TO OR EVEN ANALYZE OFF-SITE MITIGATION

While avoidance and minimization are critical first and second steps in the hierarchy, off-site, compensatory mitigation for unavoidable impacts is also necessary. Unfortunately, the DEIS is wholly inadequate in terms of off-site mitigation. In fact, as far as we can tell, the DEIS does not commit to or analyze any specific off-site mitigation for GWS but simply lists examples in Appendix K. Appendix K states that "when applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the Project." Clarification is needed as to what the mitigation is, who would be responsible for this monitoring, and how it would be structured. This information should be publically available.

SI5ai

SI5ai See resonse to Cmment SI5ad.

The lack of details regarding off-site mitigation in the DEIS make it impossible to fully and fairly evaluate the impacts of the proposed GWS project. *It is unacceptable to wait until after the ROD is signed to identify and require specific off-site mitigation measures.*
In particular, *identification of appropriate sites for off-site mitigation for Greater Sage-Grouse is critical*. Research on sage-grouse has generated an unprecedented amount of data in recent years, which should be the basis for *identifying and prioritizing potential mitigation locations*. A comprehensive spatial analysis must be completed to determine either those areas where a critical habitat component is missing or those areas that support large populations of sage-grouse and are at high risk for wildfire, invasion of cheatgrass, or other threats. In 2010, Doherty et al. developed a scientifically valid range-wide conservation planning tool based on density of males on leks. This has been subsequently recognized as a valuable tool by USFWS, BLM, and state agencies. States have also begun to prioritize sage-grouse habitat. In 2012, the Nevada Department of Wildlife published its sage-grouse habitat categorization analysis, which delineated five classes of sage-grouse habitat ranging from essential/irreplaceable habitat to unsuitable habitat, and which can be used to direct mitigation and conservation efforts within Nevada. We refer the BLM to the USGS Summary Report[3], specifically Section IV (Factor D: Policies and Programs Affecting Sage-Grouse Conservation) for a more detailed review of existing state programs that could assist in identifying and prioritizing mitigation opportunities.

SI5aj

SI5aj See response to Comment SI5ai.

C. DEIS DID NOT INCLUDE AN AVIAN PROTECTION PLAN

19

Comment(s)

SI5 **Sierra Club (cont.)**

SI5ak

The DEIS referenced an Avian Protection Plan (APP) only once, Table 2-8, dated 2011. As with proponents of other high-voltage transmission lines, the proponent should be committed to developing an operational policy and a comprehensive strategy for collecting data, minimizing impacts, and mitigating loss of migratory birds and essential habitats prior to the initiation of construction. This policy and strategy should be incorporated into a single, over-arching, living document (the APP) that will include a full listing of all minimization measures included in this analysis, as well as recommendations from the USFWS and additional information included within the APP Guidelines, developed by the USFWS and APLIC in 2005 (APLIC 2012). The APP should describe how the transmission tower design will reduce electrocution risks, prevent nesting, and prevent collisions with electrical wires and tower support wires. The GWS APP, given its 2005 date, must be updated, which would enable adding line-specific risk assessments for nesting on structures along the chosen ROW and collision risk assessments. The APP should be continually evaluated and refined as monitoring data and new innovations, as well as ongoing information on avian impacts, become available. Given the breadth of avian impacts anticipated to occur with this line, including to sensitive species, *the APP must be made available for public review and comment prior to the release of the FEIS.* Ongoing impacts to avian species during construction and operation of the line must be provided to the public in a transparent manner, with members of the public given opportunities to participate in the ongoing development of the APP.

CONCLUSION

Thank you for the opportunity to provide comments on the BLM's draft DEIS for the proposed Gateway South project. We recommend that the BLM incorporate PacifiCorp's most recent load forecasts and examine in depth non-transmission alternatives that could in total defer and/or obviate the need for this project. We also recommend the BLM properly analyze impacts to Greater Sage-Grouse and identify and commit to specific mitigation measures.

Sincerely,

Sarah K. Friedman

Sarah K. Friedman
Senior Campaign Representative
Beyond Coal Campaign
Sierra Club
Los Angeles, CA

Attachment A --Synapse Energy Economics Report on the DEIS

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Response(s)

SI5ak

APPs are utility-specific documents that delineate a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities. The Applicant for the Project is an existing, regulated public utility with an existing programmatic APP that would apply to the Project, if built. Programmatic APPs can be developed to establish utility-wide practices and are not intended to be developed for individual projects. The Applicant's APP is included in the Administrative Record and includes monitoring, reporting, and best management practices to reduce avian mortality.

Location-specific avian protection measures will be developed in collaboration with the agencies and be compatible with the Applicant's existing APP.

Comment(s)

Response(s)

SI5 | **Sierra Club (cont.)**

Synapse
Energy Economics, Inc.

May 20, 2014

Gloria Smith
Managing Attorney - Sierra Club
85 Second Street
San Francisco, CA 94105

RE: Comments Regarding Bureau of Land Management Gateway South Draft Environmental Impact Statement

Dear Ms. Smith:

As requested by Sierra Club, Synapse Energy Economics is pleased to provide the following comments on the Bureau of Land Management's (BLM) Draft Environmental Impact Statement (DEIS) for the proposed Gateway South Transmission project.[1] Our comments address the following issues:

- The purpose and need sections of the DEIS did not adequately demonstrate the need for the proposed transmission project
- The DEIS did not adequately explore non-transmission alternatives
- The DEIS did not adequately explore the long-term impacts associated with the proposed transmission project
- The BLM should incorporate additional information into the Final Environmental Impact Statement to address how market development changes will influence utilization of the proposed transmission line

BACKGROUND

The Gateway South project is a proposed 500 kV AC transmission line that will start at the Aeolus substation in Carbon County, Wyoming and end at the Mona substation in Juab County, Utah. Depending on the route, this 400-500 mile transmission line will serve as the southern leg of the Gateway transmission projects originally proposed by PacifiCorp in 2007. Because the proposed project will require right of ways across BLM properties, BLM is required to file an environmental impact statement under the National Environmental Policy Act (NEPA).

[1] DEIS available at http://www.blm.gov/wy/st/en/info/NEPA/documents/hdd/gateway_south.html

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Comment(s)

Response(s)

SI5 | **Sierra Club (cont.)**

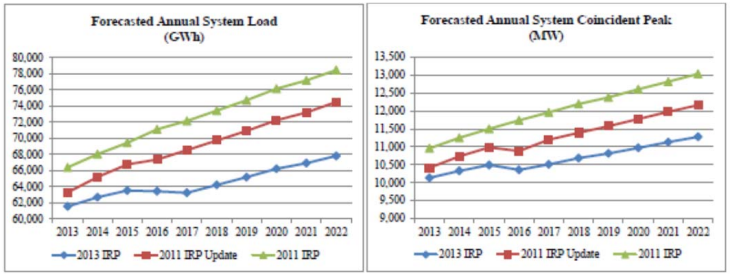
THE PURPOSE AND NEED SECTIONS OF THE DEIS DID NOT ADEQUATELY DEMONSTRATE THE NEED FOR THE PROPOSED TRANSMISSION PROJECT

NEPA "emphasizes the importance of coherent and comprehensive upfront environmental analysis to ensure informed decision-making to the end that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." Here the BLM has circulated a DEIS based on outdated information that calls into question whether the proposed project is needed at all. In addition, the DEIS provided an inadequate range of project alternatives and failed to properly consider the proposed project's impacts on climate change.

BLM MUST UPDATE THE DEIS TO REFLECT THE MOST RECENT PACIFICORP INTEGRATED RESOURCE PLAN.

The 2014 DEIS cites important data from PacifiCorp's 2011 Integrated Resource Plan (IRP),[2] even though the DEIS directly referenced PacifiCorp's 2013 IRP.[3] The 2011 IRP is nearly three years older than the draft DEIS. The use of old data compromises the DEIS's analysis because the 2013 IRP PacifiCorp lowered many of the growth forecasts cited in the DEIS. The following figures taken from the 2013 PacifiCorp IRP Update, dated April 2013, show how the load forecast from the 2011 IRP (green line with triangles) are much higher than the 2013 IRP (blue line with diamonds).

Figure 1: Figure ES.1 from PacifiCorp 2013 IRP



The difference in Forecasted Annual System Coincident Peak in 2023 is approximately 1,800 MW (13,000 MW - 11,200 MW = 1,800 MW). This is significant because the Gateway South Project is projected to

[2] US Department of Interior Bureau of Land Management. Draft Environmental Impact Statement and Land-use Plan Amendments for the Energy Gateway South Transmission Project. BLM/WY/PL-14/009+5101, Case File: WYW-174597. Volume1-A. February 2014.

[3] PacifiCorp. 2013 PacifiCorp Integrated Resource Plan Volume 1. March 30, 2013. Available at http://www.pacificorp.com/content/dam/pacificorp/doc/Energy_Sources/Integrated_Resource_Plan/2013IRP/PacifiCorp-2013IRP_Vol1-Main_4-30-13.pdf.

Comment(s)

Response(s)

SI5 | **Sierra Club (cont.)**

carry 1,500 MW of capacity, and the difference between the load forecast vintages exceeds the carrying capacity of the proposed line.[4] PacifiCorp's updated data calls into question the actual need for the proposed project. In order to comply with NEPA, BLM must revise the EIS to reflect the most recent information on growth forecasts.

The DEIS's description of PacifiCorp's energy usage growth and resource needs is stale information and must be updated. According to the DEIS, energy usage growth will be 2.3 percent per year for the next five years and 2 percent each year over the next ten years.[5] This information is based on the 2011 IRP and does not reflect the Company's current forecast.[6,7] The 2013 IRP projects a peak load growth compound annual growth rate of 1.2 percent from 2013-2022. Energy growth in the 2013 IRP is at an annual average growth rate of 1.08 percent for 2013-2022, well below the 2 percent noted in the DEIS.[8] The annual average growth rate for the five years (2013-2017) is 0.68 percent, well below the 2.3 percent for the next five years cited in the DEIS. BLM's energy growth rates for PacifiCorp should be updated to be consistent with PacifiCorp 2013 IRP values.

THE DEIS'S DESCRIPTION OF PACIFICORP'S RESOURCE NEEDS DID NOT REFLECT UPDATED INFORMATION AND, TO BE ACCURATE, MUST BE UPDATED.

According to the DEIS, PacifiCorp currently has 12,500 MW of existing resources and projects that it will need 15,000 MW of resources (including a 13 percent reserve margin) by 2023.[9] The DEIS summarized this information as a graphic in Figure 4 of Appendix A, which is shown below.[10]

[4] BLM. (2014). Page S-3.

[5] BLM. (2014). Page S-3.

[6] PacifiCorp. 2011 Integrated Resource Plan Volume 2. March 31, 2011. Table A.9. Page 11.

[7] Table A.9 indicates that the 2011-2020 average annual growth rate is 2.1 percent. The average annual growth rate for the five years 2011-2015 is 2.4 percent. These values are slightly different that the growth rates reported in the DEIS.

[8] PacifiCorp. 2013. Appendix A. Page 30.

[9] BLM. (2014). Page S-3.

[10] BLM. (2014). Page A-8

Comment(s)

Response(s)

SI5 | **Sierra Club (cont.)**

Figure 2: PacifiCorp Existing Resources and Future Needs from Figure 4, Appendix A

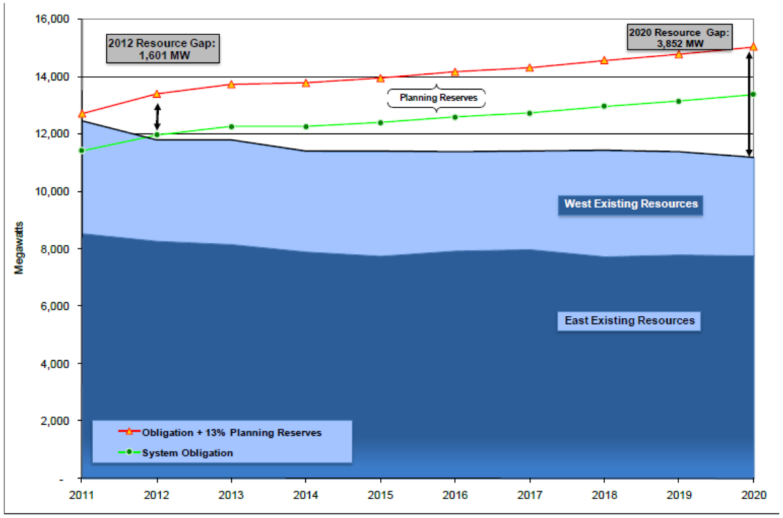


Figure 4 is taken from Figure ES.2 System Capacity Resource Gap from the PacifiCorp 2011 IRP.[11] The figure projects that PacifiCorp will have a resource gap of 3,852 MW by 2020.[12] Inconsistent with NEPA, the DEIS relied upon dated forecasts and did not reflect current forecasts made by PacifiCorp.

The 2013 IRP referenced in the DEIS contains different forecasts of existing capacity and resource needs. For one, the 2013 IRP uses a lower existing resource capacity of 10,010 MW (2013) versus 12,500 MW (2011) cited in the DEIS.[13] The drop in existing capacity reflects the current resource needs of PacifiCorp. The 2013 IRP forecasts resource needs (including reserves) of 11,762 MW, or 3,238 MW lower than the 15,000 MW resources needed in 2020 cited in the DEIS.[14] The 2013 IRP does forecast a resource gap of 2,274 MW in 2020, but this is 1,578 MW lower than the resource gap of 3,852 MW cited in the DEIS.[15]

[11] PacifiCorp. 2011 Integrated Resource Plan Volume 1. March 31, 2011. Page 3.
[12] BLM (2014). Page A-7.
[13] PacifiCorp. (2013). Page 5.
[14] PacifiCorp. (2013). Page 5.
[15] PacifiCorp. (2013). Page 5.

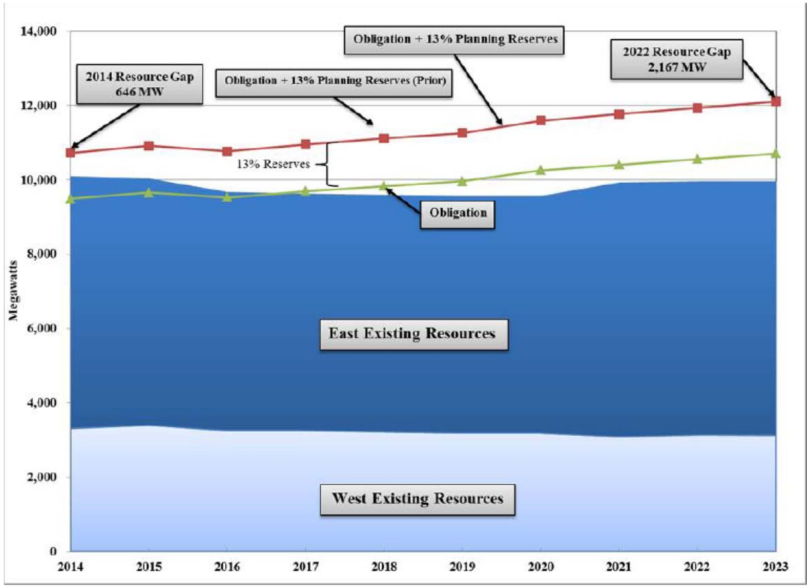
Comment(s)

Response(s)

SI5 | **Sierra Club (cont.)**

In March 2014, PacifiCorp released its 2013 Integrated Resource Plan Update, which modifies the resource forecast.[16] The 2013 IRP Update adjusts the 2014 Existing Resource to 10,085 MW in 2014 and forecasts a resource need (including reserves) of 11,596 MW in 2020.[17] The 2013 IRP Update resource need is 166 MW lower than the 2013 IRP. The resource gap in 2020 in the 2013 IRP Update is 2,042 MW, or 1,810 MW lower than the gap cited in the DEIS. This is a considerable adjustment and is reflected in the following graph of the 2013 IRP System Capacity Position Trend.[18]

Figure 3: PacifiCorp 2013 IRP Update, System Capacity Position Trend



For accuracy, the updates in the PacifiCorp load forecasts and resource needs must be factored into the DEIS. These updated values show that by relying on stale data the DEIS overstates the capacity gap,

[16] PacifiCorp. PacifiCorp- 2013 IRP Update Chapter 3 Resource Needs Assessment Update. Dated March 31, 2014.
[17] PacifiCorp. (2014). Table 3.11. Page 30.
[18] PacifiCorp. (2014).Figure 3.2. Page 35.

Comment(s)

Response(s)

SI5 | **Sierra Club (cont.)**

which in turn inflated the need for additional transmission capacity. In sum, the DEIS's purpose and need sections are based on the outdated premise that load growth justifies the proposed project.

THE DEIS FAILS TO EXAMINE THE EFFECT OF ALTERNATIVE TRANSMISSION PROJECTS ON THE NEED FOR GATEWAY SOUTH.

Finally, the proposed TransWest Express transmission project[19] would deliver energy and capacity from southeastern Wyoming to the Las Vegas, NV area. While the routing of this proposed transmission line is different from the proposed Gateway South project, there would be some redundancy. Furthermore, its wholesale market transacting capability would be similar to the proposed Gateway South project: it would allow wholesale transfers of energy from the Rocky Mountain region to the Desert Southwest region. The DEIS did not analyze the change in project need should the reasonably foreseeable TransWest Express project be built. While the proposed Gateway South project allows for the delivery of Wyoming energy to Utah and the TransWest Express project delivers fully through to Nevada, contracting some of the capacity available on the TransWest Express line and delivering it "back" to Utah could fully supplant the need for the proposed Gateway South project. The TransWest Express project combined with the reduced resource need described above seriously undermines the DEIS's rationale for the proposed project.

Another alternative that the DEIS fails to consider is the proposed Zephyr direct current (DC) line that would also deliver energy and capacity from southeastern Wyoming to the Las Vegas, NV area.[20] It too follows a similar path as the proposed Gateway South project.[21] Although this proposed project would be a high voltage DC line between Wyoming and Nevada, the DEIS does not consider the possibility of contracting some of the capacity available on the Zephyr line and delivering it "back" to Utah – which could fully supplant the need for the proposed Gateway South project.

Lastly, we note that other proposed transmission projects would bolster import capacity to the Las Vegas area: projects under consideration by Great Basin Transmission (Southwest Intertie Project) and Nevada Power and Sierra Pacific Power (from western central Nevada through the Amargosa Valley towards Las Vegas) could lead to increased availability of power from the Las Vegas area to PacifiCorp's Utah load areas.[22] These projects too can be considered as alternative forms of western region transmission that could mitigate the need for the Gateway South project.

[19] See http://www.transwestexpress.net/ for summary description of the TransWest Express project.
[20] See http://www.datcllc.com/datc-projects/zephyr/faqs/ for summary description of the Zephyr project.
[21] http://www.wecc.biz/Planning/TransmissionExpansion/Map/Pages/default.aspx
[22] See http://www.swipos.com/ for summary description of the Southwest Intertie Project.

Comment(s)

Response(s)

SI5 | **Sierra Club (cont.)**

THE DEIS DID NOT ADEQUATELY EXPLORE NON-TRANSMISSION ALTERNATIVES

The discussion of alternatives is the "heart" of the NEPA process.[23] NEPA requires agencies to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."[24] An EIS must "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed project in order to "sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decision-maker and the public."[25]

The DEIS briefly considered energy efficiency and demand response, but only concluded that "Energy Efficiency and Demand Response are valuable Tools that the Applicant is using and will continue to use to manage the demand and consumption of energy."[26] The DEIS did note recent PacifiCorp energy efficiency and demand response programs and referenced a 2013 Cadmus Demand Side Management potential study.[27,28] The PacifiCorp 2013 IRP included three demand-side management programs as existing resources that lower the load forecast by 653 MW in 2013 to 639 MW from 2015 onward.[29] The 2011 IRP incorporated 556 MW of demand-side management programs.[30] The Cadmus Group's 2013 potential study identified 6,797 MW of demand-side management technical potential in 2032 and 884 MW of Achievable Technical and Market Potential.[31] Additional demand-side management alternatives should be explored more comprehensively as a non-transmission alternative that could defer or eliminate the need of the proposed transmission project.

As noted above, the TransWest Express, Zephyr and Gateway South proposals are three major transmission projects that could run between Wyoming to Nevada or Utah; BLM should consider investigating the impact of the three projects comprehensively rather than separately as single projects independent of another. BLM should consider a NTA alternative that examines the impact of permutations of the three different proposals to see if all three projects are needed.

[23] 40 C.F.R. § 1502.14.
[24] 42 U.S.C. § 4332(2)(E).
[25] 40 C.F.R. § 1502.14(a).
[26] BLM. (2014). Page 2-123.
[27] BLM. (2014). Page 2-122.
[28] Cadmus Group. Assessment of Long-Term, System-Wide Potential for Demand-Side and Other Supplemental Resources, 2013-2032 Volume I. March 2013.
[29] PacifiCorp. (2013). Chapter 5 Resource Needs Assessment. Page 90.
[30] PacifiCorp. (2011). Chapter 5 Resource Needs Assessment. Page 91
[31] Cadmus. (2013). Page 2.

Comment(s)

Response(s)

SI5 | **Sierra Club (cont.)**

THE DEIS DID NOT ADEQUATELY EXPLORE THE LONG-TERM IMPACTS ASSOCIATED WITH THE PROPOSED TRANSMISSION PROJECT

DEIS FAILED TO DISCUSS CORRIDORS OF CONCERN**.**

The DEIS identified that the proposed Gateway South contains three corridors of concern from a 2009 Settlement in *The Wilderness Society et al. v. United States Department of Interior et al.* (Case No 3:09-cv-03048-JW [Northern District of California]). The three corridors are listed in the DEIS in Table I-2 and noted in Table 3-146.[32,33] The DEIS failed to detail how the proposed project facilitates renewable energy and avoids environmentally sensitive areas. Specifically, all three corridors of concern mention the access to coal-fired power plants.[34] While the DEIS notes "the Project alternative routes that are currently located within corridors of concern (Table 3-146) will require additional assessment to ensure all impacts are addressed,"[35] it does not appear that the additional assessment is included in the DEIS.

The DEIS projects that the proposed transmission project will have a life of at least 50 years.[36] Thus, adequately evaluating the long-term impact of the proposed project to facilitate renewables and to minimize access to coal-fired plants is critical.

DEIS FAILED TO EXAMINE CLIMATE CHANGE IMPACTS.

President Obama has been very clear that the nation must drastically cut carbon pollution in order to "protect the health of our children and move our economy toward American-made clean energy sources that will create good jobs and lower home energy bills."[37] Reducing the generation and transmission of harmful fossil fuels is central to the President's plan. In a few cases, new large-scale transmission will be needed to carry remote renewable energy resources to load centers. However, renewable energy and associated transmission development must be carefully scrutinized through the NEPA process. Given the urgency of climate change, the BLM can no longer casually grant transmission rights of way based on cursory showings of need by the applicant. Equally important, federal agencies must also investigate and disclose a proposed project's potential impacts on climate, and propose all feasible non-transmission alternatives.

Here, the DEIS fails to address comprehensively the proposed Gateway South impacts on global climate change. Along with the President's Climate Action Plan, NEPA requires that federal agencies "recognize

[32] BLM (2014). Chapter I- Purpose and Need. Page 1-19.
[33] BLM (2014). Chapter 3 Affected Environment and Environmental Consequence. Page 3-645.
[34] BLM (2014). Chapter 3 Affected Environment and Environmental Consequence. Page 3-645.
[35] BLM (2014). Chapter 3 Affected Environment and Environmental Consequence. Page 3-645.
[36] BLM (2014). Chapter 2 Proposed Action and Alternatives. Page 2-35.
[37] The President's Climate Action Plan (June 2013). Page 5. http://www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf

Comment(s)

Response(s)

SI5 | **Sierra Club (cont.)**

the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment."[38]

The DEIS failed to follow both NEPA and the President's Climate Action Plan by omitting an analysis of the type of energy generating resources that would benefit from the proposed line. Absent this essential analysis, neither the BLM nor the public have a clear idea of whether new renewable resources or existing fossil fuel generation will utilize the line. The DEIS must make some effort to assess how the line will be utilized. Rather than engage in the rigorous analysis required by NEPA, the DEIS evaded this critical issue with the following language: "The GHG emissions are regulated under federal requirements that include mandatory reporting and GHG emission permits for major sources. It is not expected that the types of sources that will be part of the Project would be subject to these Rules."[39] With this conclusory statement, the DEIS ignored the very real fact that PacifiCorp could interconnect its major fossil fuel generating stations to the Gateway Project.

Although the DEIS narrowly analyzed carbon dioxide emissions associated with the project's construction and operation, it failed to consider broad-scale methods of reducing carbon emissions through alternatives (non-transmission or duplicative siting) to the proposed project in order to minimize impacts on climate change.

THE BLM SHOULD INCORPORATE ADDITIONAL INFORMATION INTO THE FINAL ENVIRONMENTAL IMPACT STATEMENT TO ADDRESS HOW MARKET DEVELOPMENTS CHANGES WILL INFLUENCE UTILIZATION OF THE PROPOSED TRANSMISSION LINE

IMPENDING CHANGES IN WHOLESALE MARKETS THAT WOULD AFFECT HOW GATEWAY SOUTH TRANSMISSION ASSETS WOULD BE UTILIZED ARE NOT FACTORED INTO THE DEIS.

The DEIS contains no modeling information on changes to wholesale electric power transactions with the line in place that would affect the impacts of the line. PacifiCorp may soon (October, 2014) be part of the California Independent System Operator (CAISO) energy imbalance market, with the capability of delivering its resources into the California market. This market development, coupled with the presence of increased transmission capacity from the Carbon County area, has the potential to dramatically increase the level of coal-fired energy generation in the PacifiCorp region for ultimate delivery (as part of a portfolio of resources) to California. Some form of electric power sector production cost modeling should be undertaken as part of the environmental impact assessment in order to gauge such potential outcomes.

[38] 42 U.S.C. § 4332(f).

[39] BLM. (2014) Chapter 3 Affected Environment and Environmental Consequence. Page 8.

Comment(s)

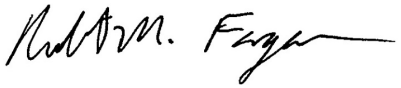
Response(s)

SI5 | **Sierra Club (cont.)**

In conclusion, it is our understanding that redundancy, reliability and grid upgrades are among the leading justifications for Gateway South. Because the DEIS failed to adequately disclose the need for the proposed project and did not describe or evaluate a reasonable range of alternatives, a revised DEIS should consider the extent to which reliability goals can be achieved through less environmentally damaging means.

Thank you for the opportunity to provide comments on the BLM's draft DEIS for the proposed Gateway South project. We recommend that the BLM incorporate PacifiCorp's most recent load forecasts and examine in depth non-transmission alternatives that could in total defer and/or obviate the need for this project. This includes a comprehensive impact of all three proposed transmission projects (Gateway South, TransWest Express, and Zephyr).

Sincerely,



Bob Fagan and Max Chang
Synapse Energy Economics

Comment(s)

SI6 | **Voices of the Valley**

Voices of the Valley

P.O. Box 769, Saratoga, WY 82331 • vovdirector@gmail.com • 307-710-8646

May 14, 2014

Tamara Gertsch, Project Manager
Energy Gateway South Project
PO Box 21150
Cheyenne WY 82003

Subject: Energy Gateway South Transmission Line Project

Dear Ms. Gertsch,

The following comments are offered for your consideration on the Energy South Transmission Line Project. The focus of our comments will be on the inadequate information provided in the draft EIS, specifically the socioeconomic workforce figures and the placement of the incoming workers.

SI6a Although the Energy Gateway South Transmission Line runs north of the Upper North Platte Valley (UNPV), the geographic area Voices of the Valley (VoV) represents, we know from past experience that incoming workers often chose to live in this area. This is specifically true for workers who bring families; even a long distance commute to their worksite does not deter this choice. In view of the UNPV's remote location and unprepared communities, an influx of workers resulting from the project could be detrimental to the area which is short on housing and heavily dependent on tourism.

General Comments

VoV is a non-profit organization formed to assist the public in understanding and participating in all possible changes which could affect the quality of life in the UNPV. Our organization would expect to utilize information in the draft EIS to assist the public in making informed decisions and comments regarding the transmission line development. Unfortunately, the information provided in the draft EIS, particularly with regard to housing and socioeconomic information for the incoming workforce, is far too limited to allow VoV to perform this duty for the public.

SI6b VoV has taken specific examples out of the draft EIS where the information provided is insufficient and suggests the Bureau of Land Management employ the concepts contained within the "Bureau of Land Management Socioeconomics Strategic Plan 2012-2022" created in May 2013 to help fill in the socioeconomic gaps of this document.

Specific Comments

SI6c 1. In EIS Chapter 4, Section 4.3.20.1.1 Effects on Recreational Value and Local Tourism, *"The development and operation of the transmission could diminish the natural appearance and the undeveloped character of recreation areas, which could have detrimental effects on recreation values…If visitation were to decrease due to the presence of the transmission line and other industrial development, this potentially could affect visitor spending and the local economy."* The Carbon County Land Use Plan identifies natural resource values as the primary reason why residents have chosen to buy

Response(s)

SI6a It is true that construction workers can temporarily reside a fair distance from the Project location, especially in remote areas. The communities in the Upper North Platte Valley, such as Saratoga and Riverside, may be affected by construction workers temporarily residing in these towns. Additional discussion has been added to Section 3.2.22 describing these workforce housing issues in smaller towns and how the tourism lodging in smaller towns can be affected by construction workforce occupying the often sparse lodging options. Additionally, smaller towns within 20 miles from the transmission line have been identified and described in Section 3.2.22. Workforce impacts related to housing in specific locations and towns will be addressed during the county and/or state permitting phase of the Project (e.g., the Wyoming Industrial Siting Permits). Additionally, the Applicant employs Customer and Community Managers to coordinate with local communities about these types of requirements, concerns, and recommendations.

SI6b Comment noted.

SI6c Construction workers are likely to temporarily reside in small towns with limited housing and lodging establishments, with possible impacts on tourism, visitor spending, and recreation in the areas. The communities in the Upper North Platte Valley, such as Saratoga and Riverside, may be affected by construction workers temporarily residing in these towns. Additional discussion has been added to Section 3.2.22 describing these workforce housing issues in smaller towns and how the tourism lodging in smaller towns can be affected by construction workforce occupying the often sparse lodging options. Additionally, smaller towns within 20 miles of the transmission line have been identified and described in Section 3.2.22. In addition, mitigation recommendations and requirements for workforce impacts related to housing in specific locations and towns will be addressed during the county and/or state permitting phase of the Project (e.g., the Wyoming Industrial Siting Permits). Additionally, the Applicant employs Customer and Community Managers to coordinate with local communities about these types of requirements, concerns, and recommendations.

Comment(s)

SI6 **Voices of the Valley (cont.)**

SI6c

property and live in the area, as well as recreate. The UNPV boasts a thriving tourism economy, in fact, it leads the economy in dollars produced and has held that top position for the last 20+ years. Hunting, fishing and recreation via ATV or other modes of transportation, in both the Snowy and Sierra Madre ranges, is not considered in the analysis of the current socioeconomic status even though the potential worksites are less than 15-20 miles away. Temporary accommodations such as hotels and camping sites could be hugely affected by an influx of incoming workers either residing or recreating in the UNPV. The draft EIS offers no mitigation plan for the potential dismantling of the No. 1 industry in the UNPV, tourism.

SI6d

2. Chapter 4, Section 4.3.20.3.1 Wyoming to Colorado – Aeolus to U.S. Highway 40 (WYCO), *"...In Wyoming where there are multiple existing and future wind facility developments occurring and expected in the foreseeable future near the communities of Aeolus, Hanna, Sinclair, Rawlins, and Wamsutter, it may be the case that these communities are near housing and accommodations capacity. To the extent that the Applicant can locate its workers so as to not cumulatively affect these communities, this could mitigate these adverse effects on housing and public services. Additionally, the Applicant could provide temporary housing and basic services to its workers to mitigate these effects on communities, housing, and public services."* The UNPV communities of Saratoga, Encampment and Riverside are not listed as communities that could potentially be affected by multiple developments, yet Saratoga sits just seven miles from the southeastern boundary of the Chokecherry Sierra Madre wind development and only 20 miles south of Interstate 80. The Applicant has not given a solid commitment in the above section to provide temporary housing and basic services to its workers to mitigate the impacts on the small communities of Carbon County, specifically those in the UNPV. Cumulative effects of the many major energy projects happening around the UNPV have not been sufficiently analyzed in this project's DEIS.

SI6e

By utilizing the goals and strategies of the "BLM Socioeconomic Strategic Plan 2012-2022", the authors of the Energy Gateway South Transmission Line draft EIS could provide the public more real-time data on the incoming workforce and its potential impacts on the economies of local communities.

Sincerely,

KayCee Alameda
Executive Director, Voices of the Valley

Response(s)

SI6d

Multiple large-scale projects are under construction in southwestern Wyoming. If these construction schedules occur during the same timeframe, they could tax the area's resources (housing, lodging, workforce) while at the same time potentially removing the availability of some of the same resources to tourism. While construction timeframes are generally known, they could shift based on permitting schedules and the availability of construction materials, etc. Thus, conducting a quantitative analysis of real-time workforce impacts is not possible.

The socioeconomics analysis in Section 4.3.22 has been expanded to include a qualitative discussion to better clarify the impacts of coinciding construction schedules. For example, a statement of the worst-case scenario would be described: if, in Wyoming, oil and gas development continues at a high rate and proposed wind energy projects and the TransWest Express transmission project are constructed at the same time as the Project, impacts on housing and workforce would occur. This would include a discussion of the towns most likely to be affected by these projects and how they would be affected. In addition, small towns within 20 miles of the Project have been included in Section 3.2.22, including population and housing resources.

SI6e

See the comment response to SI6d.

Comment(s)

Response(s)

SI7 **Western States Sportsman Alliance**

Comments for the Gateway South Power Line

Western states Sportsman Alliance (W.S.S.A.)

W.S.S.A. Is a coalition of 9 western States that was organized to promote the interest of western states in matters Such As Oil and Gas exploration, Alternative power sources, land development, wildlife, fishing, mining, and the private interests of western states.

The following are representatives the States that the Southern Power line crosses

Utah Lee Howard
Colorado Terry Meyers
Wyoming Niel Thaggard

Appendix 1 programmatic Agreement

Signatory Parties include

B..LM. Us Forest service, National Parks, Colorado, Utah, Pacific Corp, 33 Indian Tribes

Appendix K

Mitigation Guidance

SI7a
SI7b
Identifying measures for compensation to include improving existing habitat for Sage grouse. If power lines cross or intersect any Sage grouse Leeks Construction should be postponed until chicks have hatched or have moved out of area. All water sources should be considered for migratory birds. To improve existing water sources when necessary. Property May Need to be purchased to insure proper or suitable habitat.

Creating or restoring vegetation and the landscape should be of the upmost priority.

Planning Issues and Criteria

SI7c
Utah has spent millions of dollars on the re-introduction of native species of wildlife into their previous habitat.

Existing plans need to be addressed for the Reintroduction of the Utah Wild Sheep.

To include Rocky Mountain Bighorn.
Desert Bighorn
Mountain Goats
Sage Grouse, Antelope
Deer, Elk, Turkeys

SI7d
POACHING of wildlife has been a problem with the Oil well development in the Uinta Basin. The Department of Wildlife Resources noticed an 80-90 percentage increase in the illegal taking of wildlife. This problem needs to be addressed by All parties involved in the building of the power line.

SI7a
Potential high adverse impacts in sage-grouse habitats will be minimized through the application of the design features and selective mitigation measures listed in Table 3-102. High residual impacts on sage-grouse habitat remaining after application of the design features and selective mitigation measures will be addressed via offsite mitigation as described in Appendix F.

SI7b
For the Final EIS, the BLM has revised and expanded the analysis of effects on migratory birds. This revised analysis is located in Section 3.2.9 of the Final EIS. Applicable minimization measures are listed in Section 3.2.9, Mitigation Planning and Effectiveness, and include measures similar to those proposed. Examples include Design Feature 4 (avian-safe design standards), Design Feature 6 (seasonal restrictions for nesting migratory birds), and Design Feature 7 (breeding bird and nest surveys).

SI7c
Comment noted. BLM actively coordinates with state wildlife agencies regarding wildlife reintroductions and big game management. Potential impacts on existing big game and other wildlife populations are addressed in Sections 3.2.7.5.5 and 3.2.8.5.4.

SI7d
Poaching of wildlife is disclosed as a potential indirect effect of the Project in Section 3.2.7.4.3, Impact Assessment and Mitigation Planning.

Opportunities for poaching in big game habitat will be reduced through the application of Selective Mitigation Measure 15, limitation of access to sensitive habitats (Table 3-80). Access roads that cross sensitive habitats (e.g., wildlife management areas and crucial, severe or critical winter range) would be gated or otherwise blocked, where feasible, to limit public access. This selective mitigation measure would limit human activity, and stress and disturbance to wildlife and their habitats during critical life cycle periods.

Comment(s)

Response(s)

SI7 **Western States Sportsman Alliance (cont.)**

Appendix C
Visual Resources Supporting Data

Concerns of Aesthetics Scenic or historic sites have been identified .
Sites as pre-historic whitings dwellings and Native Indian lands.

SI7e New roads will be built to support access to the power lines. These reads could be used by ATV enthusiasts as trails to ride and enjoy the new and open country. Where not applicable the roads should be Re seeded by natural grasses and sage brush and other native vegetation.

SI7f **Designated Roads** and trails or access to public lands should be maintained. All 2477 roads shall be kept open and maintained for public access.

State Trust lands, B.L.M. Forest Service.

SI7g Grazing on the public lands is the back bone of the rural communities and ranchers. There are millions of acres that are used to feed livestock. In reviewing the AUM'S there are numerous pages of listed operators that depend on the grasses of the of the A.U.M'S. Some compensation may be applicable for the ranchers.

Signatory Parties

SI7h The Western States Sportsman Alliance is requesting that we become a signatory party representing the General public and the sportsman in the three states that Gateway South Power line crosses.

This document is being submitted by Utah representative

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Salt Lake City, Utah 84106
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E-mail lhoward8830@msn.com

SI7e Limiting surface disturbance related to access roads and construction areas is addressed in the Applicant's project description (for example, Sections 2.3.3 and 2.4.2.3), including Design Features 1, 3, and 6 (which are accepted by the Applicant as part of the project description), and through application, where appropriate, of Selective Mitigation Measures 1, 2, 5, 7, 12, and 15 (refer to Table 2-13). Also, as described in Design Feature 2, a Reclamation, Revegetation, and Monitoring Framework Plan will be included in the POD that would identify reclamation stipulations such as reseeding.

SI7f See response to Comment SI7f.

SI7g The BLM will issue a 250-foot-wide right-of-way grant across the lands it administers that is consistent with applicable regulations, recognizing the Applicant must acquire all access permissions for lands outside of their jurisdiction. The Applicant must also establish agreements with other permittees to resolve conflicts with other permitted uses on BLM-administered lands along the selected route, which could include compensation for economic impacts or losses. Animal unit months for each allotment are based on what each federal or state land-management agency determines the natural resources can support that year. In the long-term, the Project would only remove grazing areas where the towers or series compensation stations occupy the land. Impacts on grazing allotments are discussed in Section 3.2.11.5.2 and Appendix L.

SI7h Thank you for your interest. The Western States Sportsman Alliance does not meet these requirements under the CEQ regulations for cooperating agency status. The BLM and USFS decision-makers have not established any committee, commission, or similar group to provide advice or recommendations on issues related to their respective decisions; thus, the opportunity to participate as a signatory party is not available.

Comment(s)

Response(s)

SI8 | **WildEarth Guardians**

May 22, 2014

Tamara Gertsch
National Project Manager
Energy Gateway South Project
Bureau of Land Management
P.O. Box 21150
Cheyenne, WY 82003

Cheryl Probert, Responsible Official
Deputy Supervisor, Uinta-Wasatch-Cache N.F.
857 West South Jordan Parkway
South Jordan, Utah 84095

Re: **Comments on Gateway South Power Line Draft Environmental Impact Statement**

Dear Ms. Gertsch and Ms. Probert:

WildEarth Guardians ("Guardians") appreciates this opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the proposed Gateway South transmission project (GWS). These comments are being submitted to the Bureau of Land Management (BLM) and the Forest Service (USFS) in light of the notices published by both agencies soliciting comments on the project. Guardians is an interested party with concerns, recommendations, and objections relating to the proposed action as well as the other action alternatives studied in detail. We thank the BLM and the USFS for each taking a minute to ensure that Guardians is added to all contact, mailing, and interested party lists for this and all related projects.

Incorporation of Jointly Submitted Comments

Guardians supports and signed onto the set of comprehensive DEIS comments submitted to the BLM by Daly Edmonds on behalf of a coalition of nine organizations. As they are a part of the project file or record, they are hereby incorporated by reference into these comments. Please consider and treat the comments, concerns, recommendations, and objections found in the pages below to be in addition to and synergistic with the incorporated comments.

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Comment(s)

Response(s)

SI8 **WildEarth Guardians (cont.)**

Concern With Disclosure and Analysis of Land Management Plan Amendments; MIS

SI8a The proposed actions as well as each of the action alternatives have components that are not in compliance with the BLM Resource Management Plan (RMP) and USFS Forest Plans ("Forest Plan" or "LRMP") that overlap with the proposal. As noted in various points in the DEIS, this is said to result in each of the action alternatives studied in detail including site-specific and/or programmatic RMP and LRMP amendments. However, we note that DEIS chapter 2 doesn't appear to adequately disclose or describe the specifics of the unique and different BLM RMP and USFS LRMP plan amendments that will be requisite for each alternative. This results in a confusing aspect to DEIS chapters 2 and 3.

DEIS chapter 3 and supporting environmental analysis in the resource specialist reports, also, do not adequately analyze the differing potential programmatic and site-specific impacts involved with the different requisite RMP and LRMP amendments that appear to be inextricably connected to each such proposed alternative course of action. This comment concerns these processes for the BLM and USFS management plans; however the concern appears to be greater for USFS LRMP amendments.

SI8a Potential plan amendments are presented and analyzed by alternative route and route variation in Chapter 5.

Treatment of Best Available Science and Management Indicator Species (MIS) Insufficient under NEPA, Unclear Under NFMA

SI8b It is never clear what set of NFMA regulations and rules are being applied. Later in these comments we address this issue earlier.

However, Forests currently have options to amend LRMPs under the NFMA regulations in effect prior to 2000 (e.g. 1982) or under the 2012 regulations. See, for example, the direction in the 2012 NFMA transition regulation.

SI8b Text is added to Chapters 1 and 5 of the Final EIS to clarify that LRMP amendments are proposed under the 1982 planning rule.

SI8c There is a failure that shows up consistently in the DEIS where the analysis doesn't use the best available science, which is requisite for any set of NFMA regulations since 1999 that Federal Courts have not thrown out on grounds they were illegal (e.g. 2005 to 2008 NFMA rules and regulations). Not dissimilar form the 2000 NFMA rules, the 2012 NFMA planning regulations provide, "The responsible official shall use the best available scientific information to inform the planning process required by this subpart." 36 C.F.R § 219.3. NFMA requires a number of specific steps to be taken in the use of the best available science, as follows:

> In doing so, the responsible official shall determine what information is the most accurate, reliable, and relevant to the issues being considered. The responsible official shall document how the best available scientific information was used to inform the assessment, the plan decision, and the monitoring program as required in §§ 219.6(a)(3) and 219.14(a)(4). Such documentation must: Identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered.

SI8c As described in the USFS specialist reports prepared to support Project analysis and the EIS, the agencies believe they have incorporated the best available science into the analysis of potential effects of the Project. Between preparation of the Draft EIS and Final EIS, the analysis was updated to include any updates to the USFS life history documents, relevant new scientific publications, and any other new data. The agencies encourage Wild Earth Guardians to provide information or studies that they feel may not have been included in the analysis.

Comment(s)		Response(s)
SI8	**WildEarth Guardians (cont.)**	
SI8d	36 C.F.R. § 219.3 (2012) set requirements not met in the DEIS. The same is so in those portions of the EIS where the NFMA rules or regs dating to 2000 are cited or otherwise relied upon. With this in mind, and be it under the 2000 and/or the 2012 (transition) rules, Guardians comments that the Forest Service is bound to render these determinations regarding incorporating the best available science on a point-by-point basis, particularly as referencing avoidance distances for power lines and set-backs from sage grouse Priority Habitats, nesting habitats, and active lek sites.	SI8d See response to Comment SI8c. See response to Comment SI8b.
	The DEIS is not adequate in relation to its disclosure or its environmental analysis related to MIS selection or requisite analysis of the effects of the planning alternatives being considered considered on the quantitative populations of each Forest's selected MIS. This is so for each of the 4 LRMPs involved and potentially in need of LRMP amendment as a part of each of the action alternatives proposed.	
SI8e	Importantly, there is no action alternative that does not trigger at least one LRMP amendment. There has always been debate about if MIS selection and quantitative population analysis is or is not required in strictly site-specific projects implementing one LRMP. Such duties have always been requisite for projects and plans that amend an LRMP. See for example, the enclosed order by the Federal District Court of Utah in UEC v. Richmond (2006) that explicitly reinstated the 10 MIS that the Ashley National Forest had illegally amended out of its LRMP.	SI8e USFS Management Indicator Species (MIS) are selected through the USFS planning process. A quantitative analysis of the potential effects of the Project and proposed LRMP amendments on each relevant USFS MIS was conducted and is included in the relevant USFS specialist reports. None of the potential Project-specific land-use plan amendments propose amendment of MIS species.
SI8f	These inadequacies exist to differing extents on each of the 4 LRMP's involved. The inadequacies specific to disclosure, as well as study of differing potential effects on the population status, trend, and habitats represented by each Forest's selected MIS, can and need to be resolved by inclusion of additional (sub)sections in the FEIS (especially chapter 3), as well as in the corresponding specialist reports.	SI8f A quantitative analysis of the potential effects of the Project and proposed LRMP amendments on each relevant USFS MIS was conducted and is included in the relevant USFS Specialist Reports and is incorporated by reference in the EIS where appropriate. Between preparation of the Draft EIS and Final EIS, the analysis was updated to include any updates to the USFS life history documents, relevant new scientific publications, and any other new data.
SI8g	Related to this concern, we believe that at times the DEIS explicitly misleads the reader concerning the National Forest-specific options relating to MIS selection and monitoring duties and options. This is so at the programmatic as well as site-specific levels. MIS selection and monitoring options and duties are found in the NFMA regulations dating to 1999 and earlier, as well as USFS Manual and Handbook policy dating well into the 2000's. As support, we refer the agencies to the enclosed 2002 white paper from the USFS Washington Office. It summarizes ongoing duties (in the wake of the 2000 NFMA regulations that replaced the 1999 regulations) concerning planning and project level for species diversity and viability, as well as associated monitoring options and requirements. Among other things, continuing MIS duties and options are outlined. However, the DEIS states different.	SI8g USFS does not agree that the language in the EIS is misleading to the reader. Rather, the text states the LRMPs were developed under 1982 planning rule, and MIS were identified during that process. USFS duties related to monitoring MIS habitat and population trends are associated with implementation of each National Forest's forest plan. While data collected during monitoring efforts are used in project-level analyses, specific monitoring actions are not required for analyses of site-specific projects.
SI8h	Please consider this example: The last bullet point on DEIS page 3-214 states that the NFMA regulations at the time all of the affected LRMPs were approved required MIS selection and analysis, and there is a cite to 36 CFR 219. It goes on to explain MIS selection and monitoring in the past tense, and the DEIS leads the reader to incorrectly believe that no LRMPs have been revised that carried forward the MIS related requirements since newer NFMA regulations have been available. The legal reality is that 2 out of 4 of the LRMPs involved were amended in 2003 explicitly incorporating the duties found in the (pre-2000) NFMA regulations for species viability and MIS at 36 CFR 219.19, 219.26, and 219.27. This is one example among many past	SI8h USFS does not agree that the language in the EIS is misleading to the reader. The same section of the EIS referenced in the comment identifies the LRMPs (as amended) for the three National Forests crossed as relevant to the analysis conducted for the project. The MIS species identified in the relevant LRMPs are incorporated by reference to the LRMPs and the analysis conducted in the USFS specialist reports and referenced in the EIS analyzes potential effects on each affected MIS. The project-specific land-use plan amendments do not propose a change in MIS species. The results of USFS' monitoring duties for MIS are reflected in the relevant USFS life history reports and are incorporated into the specialists' reports prepared for the Project.

Comment(s)

SI8 **WildEarth Guardians (cont.)**

tense references in the EIS to obligations that are categorically dismissed as inapplicable when the legal facts in the 10th Circuit (specific to these LRMPs) state that duties are real and in effect concerning MIS, as well as USFS Sensitive species programs and policies more broadly. [1] Yet both are discounted. EIS chapters 1-3, at a minimum, need to be expanded in light of these MIS and USFS Sensitive species duties, as well as corresponding requirements relating to LRMP amendments under either the 1982 (pre 2000) or 2012 NFMA regulations and rules. While there are additional reasons, as the rules implementing the 2012 NFMA regulations are still yet to be approved (but are expected to be to be located in the USFS NFMA Directives), Guardians recommends all LRMP amendments be under the pre 2000 NFMA regulations and rules.

SI8i

Since early 2000, there have officially been 5 uniquely different sets of NFMA regulations (999/early 2000, late 2000, 2005, 2008, and 2012. In addition, between 2004 and 2005 one finds a series of additional interpretive regulations, some of which have been read to be retroactive and interpretive in the 10th Circuit. This is confusing even for some policy wonks. However, the DEIS cites to NFMA regulations and corresponding USFS rules and policies that, when researched, range from 1999 through 2012 while also having cites to everything between, except maybe the 2008 NFMA regulations. The DEIS is inadequate and not clear on everything relating to the NFMA and LRMP amendments.

SI8j

What is clear is that, be it the 1982 (early 2000, as suggested at times in the DEIS) or the 2008 NFMA regulations and their important corresponding FSH and FSM Directives, the DEIS systematically fails to comply with the substantive and procedural duties found in either set of rules. This is so, actually, for all of the roughly 5 sets of NFMA regulations and rules that have ever been in effect. With the exception of action alternatives that avoid one National Forest over the other, not one of the LRMP amendments requisite for any of the action alternatives is adequately disclosed, studied or processed under the NFMA or NEPA processes that apply to Forest Service plan revisions or amendments (programmatic and site-specific).

SI8k

DEIS Inadequate Due to Lacking Commitments to Avoid – Minimize – Compensate Impacts (to TEPCS and MIS species):

Compensatory mitigation should be pursued in cases where it is not possible to avoid or minimize impacts to sensitive resources, not as a first option. In all cases where it is possible to avoid impacts, this should be required. If avoidance is not possible, then line routings should minimize impacts to sensitive resources. If avoidance and minimization options have been exhausted and the resulting routing still results in significant impacts, then and only then compensatory mitigation should be required. The DEIS is inadequate under BLM and USFS policies and rules due to lacking disclosures, and due to lacking assurances that meaningful and binding mitigation measures shall be made as part of each action alternative being seriously studied.

SI8l

[1]The 10th Circuit Court of Appeals has found (e.g. UEC v. Troyer, 2007, enclosed) that explicitly incorporated 1982 MIS duties found in LRMPs revised since 2000 must continue and the Circuit Court's review of projects on these National Forests is in light of those MIS duties. Worth additional note is that in the same case, the 10th Circuit Court of Appeals found that judicial review of the older Manti-La Sal LRMP must be in light of the newer NFMA "best available science standard" of review, which we raised earlier as not being adequately addressed.

Response(s)

SI8i See responses to Comments SI8b and SI8f.

SI8j See response to Comment SI8b.

SI8k See responses to Comment SI8a and SI8b.

SI8l The BLM continues to work closely with FWS and the Applicant to develop avoidance and minimization measures to reduce effects on avian species based on industry best practices. Design features of the Proposed Action and site-specific selective mitigation measures would be used under all alternative routes and route variations to reduce effects of the Project on avian species. Applicable minimization measures are listed in Section 3.2.7.4.3, under the heading Mitigation Planning and Effectiveness. Examples include Design Feature 4 (avian-safe design standards), Design Feature 6 (seasonal restrictions for nesting migratory birds), and Design Feature 7 (breeding bird and nest surveys).

The analysis for migratory birds was revised and expanded for the Final EIS. The revised analysis is presented in Section 3.2.9, and includes impacts of tower design and construction.

BLM understands the Applicant has worked with the FWS, APLIC and other agencies to develop an APP for their facilities and distribution and transmission lines in their service territory. The APP and APLIC guidelines for protection and collisions are referenced at a high-level in the EIS. Project-specific standards, methods and measures, including avian-specific mitigation, will be described in the POD to be developed in coordination with the cooperating agencies.

Comment(s)

Response(s)

SI8 **WildEarth Guardians (cont.)**

SI8l

It is critically important that compensatory mitigation be fully disclosed, planned, and its impacts and compensatory potential be fully analyzed in the EIS. Compensatory mitigation projects should be implemented and their results to the sensitive resource in question fully understood before construction of the line segment for which compensatory mitigation is required is permitted to commence. Compensatory mitigation should be required to have applicant-funded monitoring of effect of the compensatory mitigation project area and also a "control" area where compensatory mitigation is not applied, so that the benefits (or lack thereof) of the compensatory mitigation can be measured in a Before-After-Control Investigation. If impacts to wildlife populations are anticipated, the compensatory mitigation producing an increase in target wildlife population levels (compared with population changes in control areas) corresponding to the projected decrease in wildlife populations negatively impacted by the project should be achieved prior to commencement of construction of the corresponding line segment. If impacts to sensitive plant populations are anticipated, a successful plant-for-plant successful recruitment to adults of the species should be achieved. Measuring compensatory mitigation based on acres treated or dollars spent is insufficient, because numerous compensatory mitigation projects in the past have demonstrated tens of millions of dollars spent and/or thousands of acres treated without successfully resulting in an increase in population for the target wildlife species.

Sage Grouse:

SI8m

A decision regarding the Gateway South project and which of the alternative lines and/or segments are selected for implementation should await completion of the various Greater Sage-Grouse RMP Amendments (Wyoming, Northwest Colorado, Utah, and California-Nevada) that overlap the proposed route alternatives. This is necessary to ensure that transmission lines avoid or are excluded from Priority Habitats designated in the plan amendments, in accordance with the final adopted direction included in these plan amendments. Importantly, the areal extent of Priority Habitats varies by alternative in some of these RMP amendments, making it difficult to ascertain whether a given line alternative would cross or be close enough to impact designated Priority Habitat lands. This makes it difficult if not impossible for the agencies to assess the level of impacts to sage grouse, as an approval of line segments across or adjacent to lands subsequently designated as Priority Habitats would effectively cancel out the conservation benefits of the Priority Habitat designation, putting the agency in a position of destroying the sage grouse habitats with one hand that it works to protect with the other.

Wyoming Route:

SI8n

In addition to the concerns raised in the coalition comments to which Guardians is a signatory, we raise the additional concern that several of the proposed alignments for the transmission line could potentially cross the Rotten Springs LWC in Wyoming, which has been accorded full wilderness characteristics in BLM's inventory, and therefore impair its wilderness characteristics.

SI8o

This LWC should be managed to protect its existing wilderness characteristics in full.

SI8m

The BLM has used the best available information pertaining to sage-grouse in preparation of the EIS for the Project (as well as federal sage-grouse planning efforts). BLM is not required to postpone all decisions that may be affected by the sage-grouse planning efforts and has issued agency-wide guidance for agency analyses and decisions during the planning process. These guidelines are described in Appendix K. If an action alternative is selected, the BLM's decision on the Project will comply with all applicable sage-grouse stipulations in BLM RMPs at the time it is issued.

SI8n

The Rotten Springs non-WSA lands with wilderness characteristics unit was incorporated into the BLM Rawlins Field Office non-WSA lands with wilderness characteristics inventory after publication of the Draft EIS, but has been incorporated into the analysis in the Final EIS (refer to Section 3.2.16).

SI8o

The BLM's process for inventorying non-wilderenss study area lands with wilderness characteristic units and its planning analysis and management decision (i.e., as to whether the area will be managed for those characteristics or for other priority multiple uses) is beyond the scope of the project-level EIS. All BLM field offices were contacted during preparation of the Final EIS for any updates to inventories of lands with wilderness characteristics. The information in the EIS includes the most current information.

Comment(s)		Response(s)
SI8	**WildEarth Guardians (cont.)**	
SI8p	We are also concerned that several transmission line routings will be visible from overlook points atop the Skull Creek Rim in the Adobe Town Wilderness Study Area, and would therefore have a significant visual impact that impairs the wilderness experience to some degree for visitors to this area. The alignment chosen should keep the transmission line hidden from all points of the Adobe Town WSA, and BLM should undertake a view shed GIS analysis for all high points within this WSA, using the height of the proposed transmission line and its proposed alignments, to determine which (if any) line segments will be visible to visitors inside the WSA in order to determine the differing levels of impact under each alternative.	SI8p Impacts on views from the Adobe Town Wilderness Area, through the introduction of the Project, were assessed as low based on the distance from the closest alternative route (over 10 miles), the Agency Preferred Alternative (over 15 miles), and the viewing conditions from this area. As described on the visual contrast rating worksheet from Key Observation Point (KOP) #286 (refer to Appendix M), a closer point was chosen to assess effects on views for recreation users accessing Adobe Town due to the distance, amount of visual screening, and other factors leading to a weak level of visual contrast on views in the wilderness area.
SI8q	We would also point out that the Powder Rim is a critically important big game migration corridor, used by elk and mule deer, in addition to its importance for juniper obligate songbirds. Maintaining the integrity of this migration route is critical, and routing the transmission line along Wyoming Highway 789, as described in coalition comments Appendix A, will co-locate the impacts of the transmission line with the existing highway impacts on this migration corridor, minimizing additional disturbance to migrating deer and elk.	SI8q Comment and route preference noted.
SI8r	In addition to the concerns raised in the coalition comments to which Guardians is a signatory, we raise the additional concern that several of the proposed alignments for the transmission line could potentially cross the Rotten Springs LWC in Wyoming, which has been accorded full wilderness characteristics in BLM's inventory, and therefore impair its wilderness characteristics.	SI8r See response to Comment SI8n.
SI8s	This LWC should be managed to protect its existing wilderness characteristics in full.	SI8s See response to Comment SI8o.
SI8t	We are also concerned that several transmission line routings will be visible from overlook points atop the Skull Creek Rim in the Adobe Town Wilderness Study Area, and would therefore have a significant visual impact that impairs the wilderness experience to some degree for visitors to this area. The alignment chosen should keep the transmission line hidden from all points of the Adobe Town WSA, and BLM should undertake a view shed GIS analysis for all high points within this WSA, using the height of the proposed transmission line and its proposed alignments, to determine which (if any) line segments will be visible to visitors inside the WSA in order to determine the differing levels of impact under each alternative.	SI8t See response for Comment SI8p.
	*would also be good to add a couple paragraphs regarding your concerns about the potential for creating an impassible barrier to sage grouse through multiple transmission lines that create an avoidance zone that bisects sage grouse populations and destroys connectivity and gene flow.	
	Conclusion	
	Thank you once more for this opportunity to provide comments to the BLM and to the USFS in response to both agency's' noticing and corresponding regulations governing comment and appeal or objection processes. We recognize and appreciate the time and dedication that BLM and USFS staff spend to ensure that responsible sustainable and renewable energy resources are developed and distributed in a manner that does not cause detrimental or significantly damaging impacts to TEPCS species or their habitats, big game and top predators, potential and proposed	

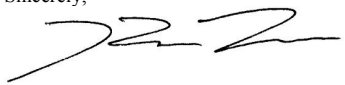
Comment(s)

Response(s)

SI8 **WildEarth Guardians (cont.)**

Wilderness areas, or the health and integrity of affected American ecosystems. Please mail a hard copy of the FEIS, draft and final RODs to WildEarth Guardians Utah office.

Sincerely,



Kevin Mueller,
Utah-Southern Rockies Conservation Manager
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kmueller@wildearthguardians.org.

Comment(s)

Response(s)

SI9 **Alliance for Historic Wyoming**

Alliance for Historic Wyoming

Protecting Wyoming's Historic Places

Barbara Dobos (Casper, WY) • Lesley Wischmann (Laramie, WY) • Mary Humstone (Fort Collins, CO) • Edre Maier (Sheridan, WY)
Trish Ullery-Whitaker (Kaycee, WY) • Dave Vlcek (Pinedale, WY) • Brie Blasi (Green River, WY) • Julia Stuble (Lander, WY)
Tom Tisthammer (Bellvue, CO) • Andrea Graham (Laramie, WY)

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Tamara Gertsch, National Project Manager
BLM Wyoming State Office
P.O. Box 21150
Cheyenne, WY 82003

20 May 2014

Dear Ms. Gertsch:

On behalf of the Alliance for Historic Wyoming (AHW), thank you for this opportunity to comment on the Gateway South Draft Environmental Impact Statement. These should be considered the formal comments of AHW, a statewide nonprofit organization dedicated to preserving our historic and cultural resources and empowering average citizens concerned with protecting Wyoming's irreplaceable resources for future generations. In light of our status as a Wyoming organization, our comments on this DEIS will be limited to resources within our state.

SI9a

In addition, we request that AHW be considered an interested party for all future consultations under Section 106 of the National Historic Preservation Act (NHPA) as amended, and implementing regulations 36 CFR 800.2(c)(5) and 800.3(f)(3). The above listed address, phone number and email address made be used to contact us for Section 106 consultations. We have appreciated the opportunity to consult under Section 106 on this project in the past and look forward to future productive conversations regarding appropriate mitigation, in furtherance of the federal mandate to "seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, [and] the likely interest of the public in the effects on historic properties…." 36 CFR §800.2(d)(1)

First of all, AHW congratulates you on an incredibly thorough and well-crafted document. This may be the most comprehensive DEIS we have ever encountered. Although we believe you would have better served the public by breaking out the electronic document into more manageable pieces, with many more direct access links, no one can fault you on the detail of your analysis. We were especially impressed by the information provided regarding the cumulative impacts that may result from the likely placement of three high voltage transmission line projects (Gateway West, Gateway South and TransWest Express) in this area. Your detailed analysis of the potential interaction of these projects was both unusual and very much appreciated. This will not only help your readers better understand the extent of changes likely to occur in this area but also help assure them that the federal agencies are intent on living up to not only the letter, but also the spirit, of the governing laws. In addition, we found your inclusion of Table 2-13, "Selective Mitigation Measures," to be very helpful as this is the kind of

SI9a Comment noted.

Comment(s)

SI9 **Alliance for Historic Wyoming (cont.)**

information the public rarely receives at this point in the process. So congratulations on a job very well done!

Of course, we still have concerns with this project and some issues with your analysis that we would like to raise. We believe that all of the proposed alternatives suffer from these shortcomings; however, we are willing to support the agency preferred WYCO-B alternative. While we have serious concerns with how this project, regardless of the route chosen, will continue the slow but relentless degradation of the Overland and Cherokee Trails, as well as the Rawlins to Baggs Stage Road, in this area, we believe you have done an exemplary job of illuminating these problems and that these impacts can be addressed through the Section 106 consultation process. The issue of cumulative impacts becomes a more significant concern, as that rarely seems to be adequately addressed during Section 106, but thanks to your thorough analysis, we can hope that advocates for these resources will be better equipped to argue for truly meaningful mitigation for direct, indirect and cumulative impacts during these consultations. We especially note your helpful conclusion that "**Off-site mitigation may be applied**, where feasible and through negotiations with the Applicant, for the life of the development in an effort to offset significant or high impacts of the Project that are not able to be mitigated," (Gateway South DEIS, p. 3-1147, emphasis added) as this issue has been an on-going point of contention.

Our primary concerns with this DEIS revolve around how the impacts to our precious landscapes are being addressed. We were disappointed, although not really surprised, to find little in this otherwise comprehensive document pertaining to the important issue of cultural landscapes, and especially Rural Historic Landscapes. The National Park Service defines rural historic landscapes as "a geographical area that historically has been used by people, or shaped or modified by human activity, occupancy, or intervention, and that possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings and structures, roads and waterways, and natural features." Furthermore: "Rural landscapes commonly reflect the day-to-day occupational activities of people engaged in traditional work such as mining, fishing, and various types of agriculture. Often, they have developed and evolved in response to both the forces of nature and the pragmatic need to make a living." (National Register Bulletin, "Guidelines for Evaluating and Documenting Rural Historic Landscapes, 1989, rev. 1999).

SI9b

While the BLM has only recently begun to understand the importance of analyzing project areas for the presence of RHLs, your extensive and comprehensive analysis of this region's history clearly suggests the likelihood that a number of RHLs exist within the project area. For instance, Table 3-233 notes: "Throughout the Project area, a multitude of landscapes are defined by a rural character produced by swaths of irrigated agriculture that contrast with adjacent, semi-arid natural lands. Dispersed residences are also located throughout these landscapes, adding to the rural character." Moreover, in discussing Traditional Cultural Properties, the DEIS notes that these can include a "rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents." Another example of TCPs is: "A location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity." (Gateway South DEIS, p. 3-1221.) These alternative definitions of what constitutes a Traditional Cultural Property are valuable as they expand the concept beyond the limited scope of properties important to the Native American communities. As we learned recently with the National Register designation of the Green River Drift as a Traditional Cultural Property, it is important to remember that all cultures and communities have their own unique relationship with the environment in which they live.

Response(s)

SI9b

Regional mitigation policy does apply but would apply through the process for complying with Section 106 of the Advisory Council on Historic Preservation. Rural historic landscapes that have been identified would be considered as part of the historic properties evaluation (under Section 106) and would be addressed in the Programmatic Agreement.

Comment(s)

Response(s)

SI9 **Alliance for Historic Wyoming (cont.)**

AHW Comments on Gateway South DEIS
Page 3

SI9b Since many of the Class III studies for this project remain to be conducted, this oversight in your analysis can still be corrected. We strongly recommend that your office ensure that those charged with conducting these studies for the NHPA Section 106 process demonstrate the familiarity with the concepts of Rural Historic Landscapes and/or the broader definition of Traditional Cultural Property illustrated above and that they be especially sensitive to the potential discovery of same during their surveys.

SI9c But our concern with the impact to landscapes from the proposed project goes well beyond what can, or should be, addressed through the NHPA Section 106 process. As you are well aware, the NHPA Section 106 process is limited to addressing impacts to only those properties that are eligible for listing on the National Register of Historic Places. 36 CFR §800.4(c)(1). Yet, as recent polling has shown (Colorado College, *"State of the Rockies,"* 2014), Wyomingites have a particularly strong connection with, and commitment to, their public lands. Few of these spaces could qualify for listing on the National Register, which was designed to recognize "buildings, structures, objects, sites, and districts worthy of preservation for their significance in American history, architecture, archaeology, and culture." Nevertheless, the fact that a particularly iconic local landscape does not enjoy NRHP-eligible status in no way diminishes its importance to the affected community. Nor does it absolve the BLM from addressing adverse impacts to that resource under NEPA.

We were very pleased to note your reference to the "human environment" in your "Impact Assessment and Mitigation Planning Process" document (Figure 2-6). NEPA defines the "human environment" as "the natural and physical environment and the relationship of people to that environment." 40 CFR §1508.14. This has been interpreted to require protections for wildlife, natural resources and the aesthetic, historic and cultural resources, including landscapes and sacred sites, as these terms are commonly understood, which connect humans to their environment. (Advisory Council on Historic Preservation, *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*, 2013, pp. 10-12) Too often, the "human environment" mandate in NEPA is glossed over by federal land management agencies.

SI9d Even in your admirable DEIS, you failed to carry these illuminating categories ("natural environment, human environment, cultural environment") into your narrative. Had you done so, I believe your analysis would have been even more insightful and would have likely resulted in different conclusions about the level of mitigation necessary to offset the dramatic impacts this project will likely have on the landscapes that Wyomingites value so deeply. As noted in the DEIS, the "American public is increasingly aware of the importance of the public lands to its well-being." (Gateway South DEIS, p. 3-1310)

When Wyomingite are asked what they value about their state, they almost invariably invoke the "open spaces," "broad vistas" and "endless landscapes." The gentle undulating hills, the cloud-shadows on an open landscape, the smell of sagebrush, the uninterrupted miles of viewscapes, the sound of wind unchecked by trees, the cluster of pronghorn antelope grazing in the distance, the prairie wildflowers decorating desert scrublands – all these are essential elements of Wyoming's human environment. Moreover, it is those little elements of the topography – almost unnoticed by the casual passer-by – that signals to a Wyomingite that he is home. It is the gentle curve in the road, the small hillock where we played as children, the slice of muddy ground we know will become a gentle stream come spring, the weathered cabin we have watched slowly burn in the sun, the subtle mix of greens and browns along with the splashes of red clay – these are the elements that quicken our hearts and welcome us back. These quiet elements constitute the backbone of Wyoming. They will never be significant enough to be listed on the National Register but no one will ever convince us that they aren't as important as that pretty Victorian with its NRHP plaque in some other Wyoming town.

SI9c See response to Comment SI9b.

SI9d See response to Comment SI9b.

Comment(s)

Response(s)

SI9 **Alliance for Historic Wyoming (cont.)**

AHW Comments on Gateway South DEIS
Page 4

This project will adversely impact hundreds, if not thousands, of these landscape elements. The cumulative impacts of this project, when combined with TransWest Express and Gateway West, will be even more profound. For a significant percentage of Wyoming's population, the construction of these three projects will forever alter their slice of Wyoming, their "human environment." And, contrary to the analysis in this DEIS, the impacts will not be abated by the cessation of construction operations. The completed infrastructure will create permanent intrusions on those views that these Wyomingites use to define their homes. Their sense of place and space will be permanently, irreparably and negatively impacted.

SI9e

We were delighted to read your acknowledgement that mitigation for this project "could include measures … for compensating for an impact by replacing or providing substitute resources or environments." Even more important was your recognition that "If applicable, ***additional mitigation requirements, including compensatory mitigation***, would be approved by the agencies and incorporated into the POD prior to Project construction." (Gateway South DEIS, p, 2-66, emphasis added.) We would suggest that compensatory mitigation is essential to address the adverse effects to the human environment that will be generated by this project and, even more so, as a result of the cumulative adverse effects that will result from the construction of all three high-voltage transmission lines in these areas. Those individual most directly connected to these areas will experience dramatic and permanent alterations of their environment. Only compensatory off-site mitigation can address these adverse effects to the human environment.

SI9f

We would especially draw your attention to the impacts to the community of Hanna. According to the Visual Contrast Rating Worksheet for Key Observation Point 197, "moderate/strong contract would result" to a "panoramic landscape setting associated with residences in Hanna, Wyoming." The proposed structures "would be seen at approximately 0.5 mile" and, because it would be considerably larger than the existing transmission line it would parallel, the new structures "would strongly contrast with the existing structural elements in the landscape." (Gateway South DEIS, p. H2-102) The visual simulations for this KOP dramatically illustrate your conclusion. However, despite these conclusions, you recommend no additional mitigation, presumably because the viewsheds from Hanna's residential area are not considered exceptional or worthy of special protections. This, however, is a perfect example of how vistas are difficult to value. For the residents of Hanna, almost certainly, this vista is one of the most precious of their community resources. Moreover, we note that Hanna is the one census block within the project area with environmental justice issues. This argues strongly for addressing the visual impacts this project will create since those who live in census blocks with environmental justice concerns are more likely than other communities to prize the non-market values inherent in their scenery, vistas and recreational opportunities. To simply dismiss the level of impact documented at KOP #197 threatens to further penalize this small, relatively non-influential community.

SI9g

AHW would further suggest that the type of compensatory mitigation that is warranted for the direct, indirect and cumulative effects to the human environment and landscapes created by this and other projects should be allocated in a manner that best addresses the specific and unique concerns of the adversely affected communities. While we have great appreciation for the work done by the cultural resource task groups that usually labor over appropriate and commensurate mitigation for adverse impacts to cultural resources, we also recognize that this group has become somewhat insular, with the same participants tending to take part in consultations regarding projects all across the state. This has had a tendency to produce a somewhat predictable array of mitigation measures. To really address the issues that these communities will face, we believe it is essential to get the input and best ideas from

SI9e See respone to Comment SI9b.

SI9f The EIS alignment of the alternative route adjacent to KOP #197 (residences in Hanna) already includes mitigation to reduce visual impacts, facilitated by closely paralleling an existing transmission line and limiting the scattering of vertical intrusions across more of the community's viewshed. Due to the low-growing vegetation and rolling terrain, there are limited selective mitigation measures that could further reduce impacts on views from Hanna other than rerouting the alternative route farther from the existing transmission line. However, such a reroute would increase contrast and impacts on other visual values including vistas to the north or south of Hanna.

There is an identified environmental justice population in the town of Hanna, Wyoming. However, no residences are located in the identified environmental justice Census Block located within 0.25 of the transmission line; therefore minimal visual and property values impacts are expected to this population. While there may be some impacts to vistas and scenery, it is not likely environmental justice populations will be disproportionately impacted by these impacts.

SI9g The EIS contains mitigation measures designed to avoid, reduce, or minimize moderate or high impacts on a variety of resources. Per Appendix E of the Final EIS, the sequence of mitigation action for any resource impacts would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House CEQ (40 CFR 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation). Based on the analysis in the EIS, the BLM, in coordination with cooperating agencies, will make a determination if compensatory mitigation measures are necessary for any resource, and if so, will establish resource-specific guidelines for application and enforcement of these measures in the ROD. BLM intends to use a third-party CIC to monitor and enforce the requirements of the right-of-way grant. Compliance information prepared by the CIC is made available, as part of the public record by Project, for review.

Comment(s)

Response(s)

SI9 **Alliance for Historic Wyoming (cont.)**

these communities. Our experience working with citizen advocates around the state tells us that, too often, those advocates, especially when they are working in small communities such as Hanna, suffer from any number of obstacles when it comes to preserving their historic and cultural community fabric. Lack of financial resources is certainly high on the list. Thus, a funding stream for cumulative adverse impacts that would allow communities, nonprofits and other organizations to address individual issues affecting their ability to improve and strengthen their human environment would go a long way to bolstering Wyoming's cultural fabric. Such a fund could be administered by existing organizations such as the Wyoming Community Foundation, with grants available based on criteria established to ensure that the projects are consistent with the goals of improving the human environment that has been adversely impacted by these projects. If desired, establishing such criteria could be another task for the Cultural Resources Task Group handling the NHPA Section 106 mitigation discussions.

SI9g

Again, let us reiterate our appreciation for the quality of the document you produced. Your thorough analysis allowed us to consider and emphasize larger concepts and often-overlooked issues in these comments. Hopefully, you will find this input valuable as all of us work towards protecting Wyoming's unique historic and cultural resources while facilitating our enduring and historic role as one of the nation's largest energy producing states.

Should you have any questions in regards to our comments, please feel free to contact me.

Sincerely,

Lesley Wischmann, Founding Board Member

Alliance for Historic Wyoming

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